

are being complied with, and prescribing the procedure to be followed in event the carrier is violating the requirements of this Act; providing that the taxes collected hereunder shall be paid into a special fund to be known as the Highway Motor Fuel Tax Fund; providing for the refunding of taxes paid on motor fuel in certain instances upon certain conditions where used for purposes other than propelling motor vehicles on the public highways, roads and streets of this State; providing for the distribution of the moneys held in the Highway Motor Fuel Tax Fund, providing that the Comptroller of Public Accounts may make rules and regulations for the purpose of carrying out the provisions of this Act; providing that any person who as distributor of motor fuel shall sell any motor fuel upon which a tax is levied without having a permit to do so or who as employee, agent or representative of any distributor of motor fuel shall, knowing said distributor has no valid permit, sell motor fuel, or whoever shall destroy, mutilate, or secrete any of the books, records, etc., required by this Act to be kept, or whoever shall refuse access to such records to the Attorney General, the Comptroller of Public Accounts or the representatives of either, or whoever shall knowingly make a false entry in, or fail to keep the records required to be kept by this Act, or shall make a false or incomplete return or report required by this Act, or whoever shall wilfully forge or falsify any invoice of exemption as herein provided for, or who shall transport any motor fuel, kerosene, naphtha, distillate, casing-head, or natural gasoline under false billing or shall refuse to stop a motor vehicle transporting motor fuel when called upon to do so by a person authorized to stop such vehicle hereunder, or whoever refuses to permit examination of his records or cargo by such person or whoever shall make any false statements for a refund filed under the provisions of this Act as to any material fact shall be guilty of a felony, punishable by confinement in the State Penitentiary, or the county jail, or by fine, or by both such fine and imprisonment, and upon conviction, shall automatically forfeit the right to obtain a permit for a period of two (2) years; providing that two-thirds (⅔) of one per cent (1%) of the taxes collected under this Act

shall be set aside for the enforcement of the provisions hereof, creating a Motor Fuel Tax Division, providing for employes therein, prescribing maximum salaries, providing for the equipment and supplies, and other expenses, necessary to enforce this Act; repealing Chapter 93, Acts of the Regular Session of the Fortieth Legislature, Sections 17, 18 and 19 of Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, and Chapter 98, Acts of the Regular Session of the Forty-second Legislature; providing that obligations existing and all taxes accruing hereafter or now due and/or delinquent under prior or existing gasoline tax laws are expressly preserved and declared to be legal and valid obligations due to the State and the liens created and the obligations of bonds executed to secure their payment are hereby declared to be in full force and effect; providing further that no offense committed and no fine, forfeiture or penalty incurred under such prior or existing laws prior to the time this Act shall become effective, shall be affected by the repeal of any such laws, but the punishment of such offense and the recovery of such fines and forfeitures shall take place as if the law repealed had remained in force; providing that if any section, subsection, sentence, clause or phrase in this Act shall be held or declared to be unconstitutional or invalid for any reason, such holding shall not impair or affect the remaining portions of this Act, and the same shall be and remain in full force and effect, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Cairman.

### THIRTY-EIGHTH DAY

(Thursday, March 16, 1933)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Baker.
Adamson.	Barrett.
Aikin.	Barron.
Alexander.	Beck.
Alsup.	Bedford.
Anderson	Bourne.
of Johnson.	Burns.

Butler.	Long.
Calvert.	Lotief.
Camp.	Magee.
Canon.	Mackay.
Cathey.	Mathis.
Caven.	McClain.
Chastain.	McCullough.
Clayton.	McDougald.
Coombes.	McGregor.
Cowley.	McKee.
Crossley.	Merritt.
Daniel.	Metcalf.
Davidson.	Mitcham.
Dean.	Moffett.
Devall.	Moore.
Dunlap.	Morrison.
Dunagan.	Morse.
Duvall.	Munson.
Engelhard.	Nicholson.
Fain.	Palmer.
Fisher.	Parkhouse.
Ford.	Patterson.
Fuchs.	Pavlica.
Glass.	Pope.
Golson.	Puryear.
Good.	Ramsey.
Goodman.	Ratliff.
Graves.	Ray.
Greathouse.	Reader.
Griffith.	Reed of Bowie.
Haag.	Reed of Dallas.
Hankamer.	Renfro.
Harman.	Riddle.
Harris.	Roberts.
Harrison.	Rogers of Hunt.
Hartzog.	Rogers
Head.	of Ochiltree.
Hester.	Rollins.
Hicks.	Ross.
Hill of Brazoria.	Russell.
Hill of Webb.	Savage.
Hodges.	Scarborough.
Holekamp.	Scott.
Holland.	Shannon.
Holloway.	Shults.
Hoskins.	Smith.
Huddleston.	Stanfield.
Hughes.	Steward.
Hunt.	Stinson.
Hyder.	Stovall.
Jackson.	Sullivant.
James.	Tarwater.
Jefferson.	Tennyson.
Johnson	Thomas.
of Anderson.	Tillery.
Jones of Atascosa.	Townsend.
Jones of Runnels.	Turlington.
Jones of Shelby.	Van Zandt.
Kayton.	Vaughan.
Kyle of Hays.	Wagstaff.
Kyle of Palo Pinto.	Walker.
Laird.	Weinert.
Latham.	Wells.
Lemens.	Winningham.
Leonard.	Wood.
Lindsey.	Young.

## Absent

Colson.	West.
Dwyer.	

## Absent—Excused

Anderson	Few.
of Bexar.	Johnson
Bradley.	of Dimmit.

A quorum was announced present.  
Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

## LEAVE OF ABSENCE GRANTED

Mr. Anderson of Bexar was granted leave of absence for today on account of important business, on motion of Mr. Nicholson.

## HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. McGregor:

H. B. No. 823, A bill to be entitled "An Act amending Article 689 of the Revised Penal Code of the State of Texas, 1925, and changing the penalties therein provided so that said article will read as herein set out, and declaring an emergency." (Relative to prohibition.)

Referred to Committee on Criminal Jurisprudence.

By Mr. Weinert, Mr. Calvert, and Mr. Beck:

H. B. No. 824, A bill to be entitled "An Act relating to occupation tax on the production of salt, providing for an occupation tax of one dollar (\$1) per long ton of all salt produced within the State of Texas; providing for reports and records imposing forfeitures and penalties for failure to keep records; providing penalties for failure to pay tax; directing the bringing of suit for the recovery of taxes, penalties, and interest; enacting other provisions incident and necessary to the subject and purpose of this Act, etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. McClain and Mr. Laird:

H. B. No. 825, A bill to be entitled "An Act to amend Chapter 2 of Title 116 of the Revised Civil Statutes of

Texas, 1925, by adding to said chapter a new article to be known as 'Article 6711-a,' providing that upon application of ten or more resident citizens of the Counties of Polk, Trinity, Angelina, or Tyler, or one person living within an enclosure of two thousand (2,000) acres or more in said counties, the commissioners court of said county shall open a road through said enclosure of land, or between different persons or owners of land, or along any section line, or along any survey line, or along any survey subdivision line, where said land is adjacent or contiguous to public rivers, lakes, or bays in the Counties of Polk, Trinity, Angelina, or Tyler; providing for notice and hearing on said application; providing for damages to landowners where roads are opened; providing that the commissioners court shall not be required to keep such roads worked; providing that this Act shall only apply where there is a space of at least five (5) miles along any navigable river, lake, or bay with no present road or public thoroughfare; providing for laying out of right of way of the width of sixty (60) feet running parallel to the out bank of any navigable stream in these aforementioned counties; declaring a public necessity for certain roads provided for herein, etc., and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

#### HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House joint resolutions, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Nicholson (by request), Mr. McDougald, and Mr. McKee:

H. J. R. No. 34, Proposing an amendment to Article VIII of the Constitution of the State of Texas by adding thereto another section, Section 16-a, providing for the offices of tax collector and assessor of taxes in counties having a population of more than one hundred and twenty-five thousand inhabitants; providing for an election upon such proposed amendment, and making an appropriation therefor.

Referred to Committee on Constitutional Amendments.

By Mr. Canon, Mr. Aikin, Mr. Bourne, and Mr. Barrett:

H. J. R. No. 35, Proposing an amendment to the Constitution of the State of Texas by amending Section 2 of Article III, so as to provide that the Senate and House of Representatives shall consist of Members elected from each congressional district, and that an apportionment putting into effect the provisions of this Act shall be made at the first Regular Session of the Legislature after the adoption of this amendment; providing for the submission of the same to the county electors of this State; that an election be held on the first Tuesday after the first Monday in November, 1934, and providing for the necessary appropriation to defray necessary expenses.

Referred to Committee on Constitutional Amendments.

(Mr. Burns in the Chair.)

#### HOUSE CONCURRENT RESOLUTION NO. 40 WITH SENATE AMENDMENTS

Mr. Chastain called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 40, Extending congratulations of the Legislature to Hon. Silliman Evans.

The Speaker laid the resolution before the House, with the Senate amendments.

On motion of Mr. Chastain, the House concurred in the Senate amendments.

#### RELATIVE TO HOUSE BILL NO. 173

Mr. Griffith made the following motion:

Mr. Speaker: I move to suspend Rule IX, Section 5, and Rule XIX, Section 7 of the House Rules, which requires minority reports to be filed within two (2) calendar days, and a motion to print within ten (10) days so as to allow me to file a minority report on House Bill No. 173 and make a motion to print on minority report.

The motion was lost.

#### SENATE BILL NO. 165 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 165, A bill to be entitled "An Act to amend Article 2008, Chapter 2, Revised Civil Statutes of 1925, by adding thereto that 'should the judgment of the trial court be one overruling the plea of privilege, the party filing such plea of privilege need not appeal from such order in advance of the trial of such case on the merits, but may assign error or cross-assignment of error on appeal, as to such overruling of the plea, from the judgment, on the merits of such controversy.'"

The bill was read second time.

Mr. Pope offered the following amendment to the bill:

Amend Senate Bill No. 165, page 1, line 8, by striking out the word "need," and insert the words "may elect," and after the word "not," insert the word "to."

VAUGHAN,  
POPE.

The amendment was adopted.

Mr. Coombes offered the following amendment to the bill:

Amend Senate Bill No. 165, Section 1, page 2, by eliminating lines 7 to 12, both inclusive, and by substituting the following: "Should the judgment of the trial court be one overruling the plea of privilege, the justice of the peace may proceed to trial on the merits, but the exception may be preserved and upon appeal the cause may be transferred although trial may have been had in the justice court; in a court of record the judgment sustaining the plea of privilege and the trial of the cause shall be suspended pending the appeal."

On motion of Mr. Greathouse, the bill was laid on the table subject to call.

On motion of Mr. Pope, the following proposed amendment was ordered printed in the Journal:

Amend Senate Bill No. 165 by adding at the end of Section 1 the following: "Provided, that whenever a party contests the venue of a suit brought against him, by filing a plea of privilege, he shall, if such plea be sustained or decided in his favor, be entitled to recover a reasonable attorney's fee from the opposing party who sued him in the wrong county, which same shall be taxed as a part of the costs of the case; and, after said cause has been

finally disposed of, he shall be entitled to his execution therefor or to plead the same in offset of any judgment that might be recovered against him by the opposing party."

POPE,  
STOVALL.

#### HOUSE BILL NO. 260 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 260, A bill to be entitled "An Act amending Article 791 of the Penal Code, providing that Section 8, of Article 827-a, of the Acts of 1929, Forty-first Legislature, Second Called Session, page 72, Chapter 42, as amended by the Acts of 1931, Forty-second Legislature, Regular Session, page 507, Chapter 282, relating to the speed of motor vehicles, shall not apply to fire patrols or motor vehicles operated by the fire department of any city, town, or village responding to calls, nor to police patrols or physicians and/or ambulances responding to emergency calls; and providing that incorporated cities and towns may, by ordinance, regulate the speed of ambulances, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

#### HOUSE BILL NO. 260 ON THIRD READING

Mr. Metcalfe moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 260 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—113

Adamson.	Crossley.
Aikin.	Daniel.
Alexander.	Davidson.
Anderson	Dean.
of Johnson.	Devall.
Baker.	Dunagan.
Barrett.	Engelhard.
Barron.	Fain.
Bourne.	Fisher.
Calvert.	Ford.
Canon.	Fuchs.
Cathey.	Glass.
Caven.	Golson.
Clayton.	Good.
Coombes.	Goodman.
Cowley.	Graves.

Greathouse.	Moffett.
Griffith.	Moore.
Haag.	Munson.
Hankamer.	Pavlica.
Harris.	Pope.
Harrison.	Puryear.
Head.	Ramsey.
Hester.	Ratliff.
Hicks.	Ray.
Hodges.	Reader.
Holekamp.	Reed of Bowie.
Huddleston.	Reed of Dallas.
Hughes.	Renfro.
Hunt.	Riddle.
Hyder.	Roberts.
Jackson.	Rogers of Hunt.
James.	Rollins.
Jefferson.	Ross.
Johnson	Savage.
of Anderson.	Scarborough.
Jones of Atascosa.	Scott.
Jones of Runnels.	Shults.
Jones of Shelby.	Smith.
Kayton.	Stanfield.
Kyle of Hays.	Steward.
Kyle of Palo Pinto.	Stinson.
Laird.	Stovall.
Latham.	Sullivant.
Lemens.	Tarwater.
Leonard.	Tennyson.
Lindsey.	Thomas.
Lotief.	Tillery.
Magee.	Townsend.
Mackay.	Turlington.
Mathis.	Van Zandt.
McClain.	Vaughan.
McCullough.	Wagstaff.
McDougald.	Walker.
McKee.	Weinert.
Merritt.	Winningham.
Metcalf.	Wood.
Mitcham.	

## Absent

Alsup.	Holloway.
Beck.	Hoskins.
Bedford.	Long.
Burns.	McGregor.
Butler.	Morrison.
Camp.	Morse.
Chastain.	Nicholson.
Colson.	Palmer.
Dunlap.	Parkhouse.
Duvall.	Patterson.
Dwyer.	Rogers of Ochiltree.
Harman.	Russell.
Hartzog.	Shannon.
Hill of Brazoria.	Wells.
Hill of Webb.	West.
Holland.	Young.

## Absent—Excused

Anderson of Bexar.	Few.
Bradley.	Johnson of Dimmit.

The Speaker then laid House Bill No. 260 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—109

Adamson.	Lemens.
Aikin.	Leonard.
Alexander.	Lindsey.
Anderson	Lotief.
of Johnson.	Magee.
Baker.	Mackay.
Barrett.	Mathis.
Barron.	McClain.
Bourne.	McCullough.
Calvert.	McDougald.
Canon.	McGregor.
Caven.	McKee.
Coombes.	Merritt.
Cowley.	Metcalf.
Crossley.	Mitcham.
Daniel.	Moffett.
Dean.	Moore.
Devall.	Munson.
Dunagan.	Pavlica.
Engelhard.	Puryear.
Fain.	Ramsey.
Fisher.	Ratliff.
Ford.	Ray.
Fuchs.	Reader.
Glass.	Reed of Bowie.
Good.	Reed of Dallas.
Goodman.	Renfro.
Griffith.	Riddle.
Haag.	Roberts.
Hankamer.	Rogers of Ochiltree.
Harman.	Rollins.
Harris.	Ross.
Harrison.	Savage.
Hartzog.	Scarborough.
Head.	Scott.
Hester.	Shults.
Hicks.	Stanfield.
Hodges.	Steward.
Holekamp.	Stinson.
Holland.	Stovall.
Huddleston.	Sullivant.
Hughes.	Tarwater.
Hunt.	Tennyson.
Hyder.	Thomas.
Jackson.	Tillery.
James.	Townsend.
Jefferson.	Turlington.
Johnson	Van Zandt.
of Anderson.	Vaughan.
Jones of Atascosa.	Wagstaff.
Jones of Runnels.	Walker.
Jones of Shelby.	Weinert.
Kayton.	Winningham.
Kyle of Palo Pinto.	Wood.
Laird.	Young.
Latham.	

## Present—Not Voting

Kyle of Hays.
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## Absent

Alsup.	Burns.
Beck.	Butler.
Bedford.	Camp.

Cathey.	Long.
Chastain.	Morrison.
Clayton.	Morse.
Colson.	Nicholson.
Davidson.	Palmer.
Dunlap.	Parkhouse.
Duvall.	Patterson.
Dwyer.	Pope.
Golson.	Rogers of Hunt.
Graves.	Russell.
Greathouse.	Shannon.
Hill of Brazoria.	Smith.
Hill of Webb.	Wells.
Holloway.	West.
Hoskins.	

Absent—Excused

Anderson	Few.
of Bexar.	Johnson
Bradley.	of Dimmit.

(Speaker in the Chair.)

#### TO SEND LEGISLATIVE MANUAL TO THE ALICE HIGH SCHOOL

(By Unanimous Consent)

Mr. Pope offered the following resolution:

Whereas, There was printed by the Forty-second Legislature some paper-bound Legislative Manuals in excess of the needs of the Forty-second Legislature; and

Whereas, There has been formed in the Alice Senior High School of Alice, Texas, in conjunction with the Alice Senior High School Library, a club for the study of State and National Government, and said club desires the use of one of said Legislative Manuals of the Forty-second Legislature; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That one copy of said Legislative Manual be forwarded to the Government Study Club of the Alice Senior High School of Alice, Texas, with instructions that when said club shall have finished with the use of said Manual that it be turned over to the said library of the Alice Senior High School of Alice, Texas.

The resolution was read second time, and was adopted.

#### RELATIVE TO ABANDONMENT OF FORT D. A. RUSSELL

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 27, Relative to abandonment of Fort D. A. Russell.

Whereas, For some fourteen years, the War Department of the United States maintained Fort D. A. Russell, a military outpost of considerable importance because of its strategic location as a protection for many miles of territory bordering the Republic of Mexico; and

Whereas, The climate of the area in the Davis Mountains in which was located this historic fort is such as to provide all year round facilities for the training of soldiers in the service of our country, who perform a duty the value of which is unlimited; and

Whereas, With the beginning of this year, 1933, the said Fort D. A. Russell at Marfa, Texas, was abandoned and deserted by the War Department by transferring its personnel, which was composed of a cavalry unit, to Kentucky for the purpose of having it motorized; and

Whereas, There now remains on the site of this Fort sufficient equipment and buildings to re-establish to good effect the military post which for so long so ably protected from invasion by neighboring foreigners many miles of valuable property; and

Whereas, Since the first of January, 1933, five raids of such magnitude as to create much fear and unrest among residents of the border section adjacent to Mexico have been made upon the property herewith enumerated:

The Chiante Ranch, January 22nd,  
The Jake Baldwin Ranch, February 8th,

The Jack Rawls Ranch, February 25th.

The J. L. Sublett Ranch, March 2nd, and

The L. C. Brite Ranch, March 3rd,

all of which is confined within the bounds of Presidio County, which in territorial extent embodies an area comparable in size to the combined States of Rhode Island and Delaware; and

Whereas, With the abandonment of Fort D. A. Russell, the protecting buffer for huge distances along the Mexican border has been removed and hundreds of miles of territory are now without protection, and, as a direct result, this portion of Texas—the southwestern boundary of the United

States—is in a state of considerable demoralization because of the absence of the influence exerted by a unit of the military sufficient in size to adequately protect the life and property of its citizens; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Hon. George H. Dern, Secretary of War, Washington, D. C., be petitioned to restore and to re-establish this most important military post at Marfa, Texas; be it further

Resolved, That a copy of these resolutions be sent to the Hon. George H. Dern, Secretary of War, and the Hon. John Nance Garner, Vice-President of the United States.

REGAN,  
BECK,  
PARR.

The resolution was read second time, and was adopted.

TO GRANT RAYMOND CANION  
PERMISSION TO SUE THE  
STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 25, Granting Raymond Canion the consent of the Legislature and the right to sue the State and Highway Department.

Whereas, In May, A. D. 1928, the State Highway Department entered into a contract with Raymond Canion for twenty and one-half (20½) miles of gravel surfacing on State Highway No. 49 in Marion County, Job No. 155—C. S. A. P. No. 567; and

Whereas, On account of the alleged erroneous and fraudulent misrepresentations, rules and requirements enforced by the said State Highway Commission, its engineers, agents, and employees, the said Raymond Canion was required to do a great amount of extra work for which he was not made any allowance, and has never been paid the amount which he claims is due him on account of said contract; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the State Highway Commission of Texas be, and it is hereby, authorized to make such settlement as the facts warrant, or in the alternative, that said Raymond

Canion be, and he is hereby, authorized to sue the said State Highway Department and the State of Texas in Travis County for the amount due him on his contract.

The present crowded condition of the calendar and the importance of the subject matter of this resolution create an emergency and imperative public necessity requiring the suspension of the constitutional rule, that bills and resolutions be read on three several days, be suspended, and said rule is hereby suspended, and that this resolution shall be in force and effect from the date after its final passage, and it is so enacted.

The resolution was read second time and was referred, by the Speaker, to the Committee on Claims and Accounts.

TO GRANT JOHN W. ALMOND, JR.,  
PERMISSION TO SUE  
THE STATE

The Speaker laid before the House, for consideration at this time,

S. C. R. No. 12, Granting John W. Almond, Jr., permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs:

The Committee on State Affairs having recommended the adoption of the resolution, with the following committee amendment:

Amend Senate Concurrent Resolution No. 12 in last paragraph, line 5, after the word "jurisdiction," by inserting the following: "in Travis County, Texas."

The amendment was adopted.

The resolution as amended was then adopted.

TO GRANT MRS. RUTH SHANNON  
PERMISSION TO SUE  
THE STATE

The Speaker laid before the House, for consideration at this time,

S. C. R. No. 19, To grant Mrs. Ruth Shannon permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of

the resolution, with the following committee amendment:

Amend Senate Concurrent Resolution No. 19 in last paragraph, line 6, after the word "jurisdiction," by inserting the following: "in Travis County, Texas."

The amendment was lost.

Question then recurring on the resolution, it was adopted.

#### HOUSE BILL NO. 175 WITH SENATE AMENDMENTS

Mr. Holland called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 175, A bill to be entitled "An Act to authorize the creation of corporations in this State under the general corporation laws for the purpose of forming and operating a general detective agency or company to do a general detective business, to employ and furnish persons to make investigations and reports, and to furnish guards or watchmen to protect industrial plants, business institutions, and residential property, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Holland moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

#### BILLS ORDERED NOT PRINTED

(By Unanimous Consent)

On motion of Mr. Kayton, Senate Bills Nos. 441 and 442 were ordered not printed.

#### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

S. B. No. 245, "An Act to designate and fix the third day of November as 'Father of Texas Day,' in memory of Stephen F. Austin, the real and true Father of Texas."

S. B. No. 104, "An Act making it unlawful to hunt, take, or pur-

sue any wild deer in the County of Galveston, for a period of five years, following the passage of this Act; providing a suitable penalty, repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

S. B. No. 40, "An Act to declare a closed season on the killing of blue quail, bobwhites, and doves in Yoakum County for a period of five years, prescribing a penalty therefor, and declaring an emergency."

S. B. No. 37, "An Act prohibiting any judge or officer of an election from betting or wagering on the election or nomination of any person; prohibiting betting or wagering on the number of votes polled or cast, or to be polled or cast in the precinct or voting box, in which any officer is serving, in certain cases; prescribing offenses and punishment, and declaring an emergency."

H. B. No. 411, "An Act amending Article 322 of the 1925 Revised Civil Statutes of Texas, same being Acts of 1927, Fortieth Legislature, page 222, Chapter 151, by omitting the word 'fortieth' which same is the Fortieth Judicial District of Ellis County, Texas, and declaring an emergency."

H. C. R. No. 35, Urging the appointment of L. A. Robinson for certain position.

H. C. R. No. 43, To grant R. A. Robinson permission to sue the State.

H. C. R. No. 42, To grant Jess V. Creech permission to sue the State.

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, March 16, 1933.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 29, Relative to an application for a loan by the Waco, Beaumont, Trinity & Sabine Railway Company from the Reconstruction Finance Corporation.

Respectfully,  
BOB BARKER,  
Secretary of the Senate.



# TO GRANT S. E. HARRIS PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time.

S. C. R. No. 22, To grant S. E. Harris permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution, with the following committee amendment:

Amend Senate Concurrent Resolution No. 22, in last paragraph, line four (4) after the word "jurisdiction," by inserting the following: "in Travis County, Texas."

Mr. Moffett moved the previous question on the pending amendment and the resolution, and the main question was ordered.

Question first recurring on the amendment, it was lost.

Question then recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

## Yeas—73

Adamson.	Jefferson.
Aikin.	Jones of Atascosa.
Alexander.	Jones of Shelby.
Alsup.	Kayton.
Baker.	Kyle of Palo Pinto.
Barron.	Lemens.
Bedford.	Long.
Bourne.	Magee.
Canon.	Mackay.
Cathey.	Mathis.
Coombes.	McCullough.
Daniel.	Merritt.
Dunagan.	Metcalfe.
Duvall.	Mitcham.
Dwyer.	Moffett.
Engelhard.	Moore.
Fisher.	Morrison.
Ford.	Munson.
Fuchs.	Parkhouse.
Glass.	Patterson.
Haag.	Purveyar.
Hankamer.	Ramsey.
Harris.	Ratliff.
Harrison.	Ray.
Hartzog.	Reader.
Head.	Reed of Bowie.
Holekamp.	Reed of Dallas.
Holloway.	Renfro.
Huddleston.	Rogers of Hunt.
Hyder.	Rogers
Jackson.	of Ochiltree.
James.	Russell.

Shannon.  
Sullivant.  
Thomas.  
Tillery.  
Townsend.

Wagstaff.  
Walker.  
Weinert.  
Wells.  
Wood.

## Nays—31

Beck.	Lindsey.
Calvert.	Lotief.
Chastain.	McGregor.
Cowley.	McKee.
Crossley.	Nicholson.
Davidson.	Roberts.
Dean.	Rollins.
Fain.	Ross.
Golson.	Scarborough.
Graves.	Scott.
Griffith.	Shults.
Hodges.	Smith.
Hughes.	Steward.
Hunt.	Stinson.
Jones of Runnels.	Vaughan.
Kyle of Hays.	

## Present—Not Voting

Anderson of Johnson.

## Absent

Barrett.	Laird.
Burns.	Latham.
Butler.	Leonard.
Camp.	McClain.
Caven.	McDougald.
Clayton.	Morse.
Colson.	Palmer.
Devall.	Pavlica.
Dunlap.	Pope.
Good.	Riddle.
Goodman.	Savage.
Greathouse.	Stanfield.
Harman.	Stovall.
Hester.	Tarwater.
Hicks.	Tennyson.
Hill of Brazoria.	Turlington.
Hill of Webb.	Van Zandt.
Holland.	West.
Hoskins.	Winningham.
Johnson	Young.
of Anderson.	

## Absent—Excused

Anderson	Few.
of Bexar.	Johnson
Bradley.	of Dimmit.

## CONFERENCE COMMITTEE ON HOUSE BILL NO. 175

The Speaker announced the appointment of the following conference committee on House Bill No. 175: Messrs. Holland, Walker, Van Zandt, Ratliff, and Daniel.

(Mr. Duvall in the Chair.)

SENATE BILL NO. 441 ON SECOND  
READING

On motion of Mr. Kayton, by unanimous consent, the Twenty-four-hour House Rule, relative to printed bills, was suspended, to take up, and consider at this time,

S. B. No. 441, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, out of the General Revenue of the State of Texas, to pay the contingent expenses of the Regular Session of the Forty-third Legislature of the State of Texas, providing how accounts may be approved, and declaring an emergency."

The Speaker then laid Senate Bill No. 441 before the House; it was read second time, and was passed to third reading.

SENATE BILL NO. 441 ON THIRD  
READING

Mr. Kayton moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 441 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—116

Adamson.	Good.
Aikin.	Goodman.
Alsup.	Greathouse.
Anderson	Haag.
of Johnson.	Hankamer.
Baker.	Harman.
Barron.	Harris.
Beck.	Harrison.
Bourne.	Hartzog.
Burns.	Head.
Calvert.	Hicks.
Canon.	Hodges.
Chastain.	Holekamp.
Coombes.	Holloway.
Cowley.	Hoskins.
Crossley.	Huddleston.
Daniel.	Hughes.
Davidson.	Hunt.
Dean.	Hyder.
Devall.	Jackson.
Dunagan.	James.
Duvall.	Jefferson.
Dwyer.	Johnson
Fain.	of Anderson.
Fisher.	Jones of Atascosa.
Ford.	Jones of Runnels.
Fuchs.	Jones of Shelby.
Glass.	Kayton.
Golson.	Kyle of Hays.

Kyle of Palo Pinto.	Renfro.
Laird.	Roberts.
Lemens.	Rogers of Hunt.
Leonard.	Rogers
Long.	of Ochiltree.
Lotief.	Rollins.
Magee.	Ross.
Mackay.	Russell.
Mathis.	Savage.
McCullough.	Scarborough.
McKee.	Scott.
Merritt.	Shannon.
Metcalfe.	Shults.
Mitcham.	Smith.
Moffett.	Stanfield.
Moore.	Steward.
Morrison.	Stinson.
Morse.	Stovall.
Munson.	Sullivant.
Nicholson.	Tarwater.
Palmer.	Tennyson.
Parkhouse.	Tillery.
Patterson.	Townsend.
Pavlica.	Van Zandt.
Pope.	Vaughan.
Puryear.	Wagstaff.
Ramsey.	Walker.
Ratliff.	Weinert.
Ray.	Wells.
Reed of Bowie.	Wood.
Reed of Dallas.	

## Absent

Alexander.	Hill of Webb.
Barrett.	Holland.
Bedford.	Latham.
Butler.	Lindsey.
Camp.	McClain.
Cathey.	McDougald.
Caven.	McGregor.
Clayton.	Reader.
Colson.	Riddle.
Dunlap.	Thomas.
Engelhard.	Turlington.
Graves.	West.
Griffith.	Winningham.
Hester.	Young.
Hill of Brazoria.	

## Absent—Excused

Anderson	Few.
of Bexar.	Johnson
Bradley.	of Dimmit.

The Speaker then laid Senate Bill No. 441 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—115

Adamson.	Anderson
Aikin.	of Johnson.
Alsup.	Baker.

Barron.	Leonard.
Beck.	Lindsey.
Bourne.	Long.
Burns.	Magee.
Calvert.	Mackay.
Camp.	Mathis.
Canon.	McClain.
Chastain.	McCullough.
Clayton.	McKee.
Coombes.	Merritt.
Cowley.	Metcalfe.
Crossley.	Mitcham.
Daniel.	Moffett.
Davidson.	Moore.
Dean.	Morrison.
Devall.	Morse.
Dunagan.	Munson.
Duvall.	Nicholson.
Dwyer.	Palmer.
Fain.	Parkhouse.
Fisher.	Patterson.
Ford.	Pavlica.
Fuchs.	Pope.
Glass.	Puryear.
Golson.	Ramsey.
Good.	Ratliff.
Goodman.	Ray.
Greathouse.	Reader.
Haag.	Reed of Bowie.
Hankamer.	Reed of Dallas.
Harman.	Renfro.
Harris.	Roberts.
Harrison.	Rogers of Hunt.
Hartzog.	Rogers
Head.	of Ochiltree.
Hicks.	Rollins.
Hodges.	Ross.
Holekamp.	Russell.
Hoskins.	Savage.
Huddleston.	Scott.
Hughes.	Shannon.
Hunt.	Shults.
Hyder.	Steward.
Jackson.	Stinson.
James.	Stovall.
Jefferson.	Sullivant.
Johnson	Tennyson.
of Anderson.	Tillery.
Jones of Atascosa.	Townsend.
Jones of Runnels.	Van Zandt.
Jones of Shelby.	Vaughan.
Kayton.	Wagstaff.
Kyle of Hays.	Walker.
Kyle of Palo Pinto.	Weinert.
Laird.	Wells.
Lemens.	Wood.

Nays—1

Lotief.

Absent

Alexander.	Caven.
Barrett.	Colson.
Bedford.	Dunlap.
Butler.	Engelhard.
Cathey.	Graves.

Griffith.	Scarborough.
Hester.	Smith.
Hill of Brazoria.	Stanfield.
Hill of Webb.	Tarwater.
Holland.	Thomas.
Holloway.	Turlington.
Latham.	West.
McDougald.	Winningham.
McGregor.	Young.
Riddle.	

Absent—Excused

Anderson	Few.
of Bexar.	Johnson
Bradley.	of Dimmit.

## SENATE BILL NO. 442 ON SECOND READING

Mr. Kayton moved that the Twenty-four-hour House Rule, relative to printed bills, be suspended for the purpose of considering at this time Senate Bill No. 442.

The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 442, A bill to be entitled "An Act appropriating the sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary, payable out of the General Revenue Fund, to pay the mileage and per diem of Members, and the salaries and per diem of officers and employes of the Forty-third Legislature of the State of Texas, and declaring an emergency."

The bill was read second time, and was passed to third reading.

## SENATE BILL NO. 442 ON THIRD READING

Mr. Kayton moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 442 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—115

Adamson.	Camp.
Aikin.	Canon.
Alsup.	Chastain.
Anderson	Clayton.
of Johnson.	Coombes.
Baker.	Cowley.
Barron.	Crossley.
Beck.	Daniel.
Bourne.	Davidson.
Burns.	Dean.
Calvert.	Devall.

Dunagan.	Mathis.
Duvall.	McCullough.
Dwyer.	McKee.
Engelhard.	Merritt.
Fain.	Metcalfe.
Fisher.	Mitcham.
Ford.	Moffett.
Fuchs.	Moore.
Glass.	Morrison.
Golson.	Morse.
Good.	Munson.
Goodman.	Nicholson.
Graves.	Palmer.
Greathouse.	Patterson.
Haag.	Pavlica.
Hankamer.	Pope.
Harman.	Puryear.
Harris.	Ratliff.
Harrison.	Ray.
Hartzog.	Reader.
Head.	Reed of Bowie.
Hicks.	Reed of Dallas.
Hill of Webb.	Renfro.
Hodges.	Roberts.
Holekamp.	Rogers of Hunt.
Holloway.	Rogers
Hoskins.	of Ochiltree.
Huddleston.	Ross.
Hughes.	Savage.
Hunt.	Scott.
Hyder.	Shannon.
Jackson.	Shults.
James.	Stanfield.
Jefferson.	Steward.
Johnson	Stinson.
of Anderson.	Sullivant.
Jones of Atascosa.	Tennyson.
Jones of Runnels.	Thomas.
Jones of Shelby.	Tillery.
Kayton.	Townsend.
Kyle of Hays.	Van Zandt.
Kyle of Palo Pinto.	Vaughan.
Laird.	Wagstaff.
Lemens.	Walker.
Leonard.	Weinert.
Long.	Wells.
Magee.	Wood.
Mackay.	Young.

## Nays—1

Parkhouse.

## Absent

Alexander.	Lindsey.
Barrett.	Lotief.
Bedford.	McClain.
Butler.	McDougald.
Cathey.	McGregor.
Caven.	Ramsey.
Colson.	Riddle.
Dunlap.	Rollins.
Griffith.	Russell.
Hester.	Scarborough.
Hill of Brazoria.	Smith.
Holland.	Stovall.
Latham.	Tarwater.

Turlington.	Winningham.
West.	

## Absent—Excused

Anderson	Few.
of Bexar.	Johnson
Bradley.	of Dimmit.

The Speaker then laid Senate Bill No. 442 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—117

Adamson.	Jackson.
Aikin.	James.
Alsup.	Jefferson.
Anderson	Johnson
of Johnson.	of Anderson.
Baker.	Jones of Atascosa.
Beck.	Jones of Runnels.
Bourne.	Jones of Shelby.
Burns.	Kayton.
Calvert.	Kyle of Hays.
Canon.	Kyle of Palo Pinto.
Cathey.	Laird.
Chastain.	Lemens.
Clayton.	Leonard.
Cowley.	Lindsey.
Crossley.	Long.
Daniel.	Lotief.
Davidson.	Magee.
Dean.	Mackay.
Devall.	Mathis.
Dunagan.	McClain.
Duvall.	McCullough.
Dwyer.	McKee.
Engelhard.	Merritt.
Fain.	Metcalfe.
Fisher.	Mitcham.
Ford.	Moffett.
Fuchs.	Moore.
Glass.	Morrison.
Golson.	Morse.
Good.	Munson.
Goodman.	Nicholson.
Graves.	Palmer.
Greathouse.	Patterson.
Haag.	Pavlica.
Hankamer.	Pope.
Harman.	Puryear.
Harris.	Ratliff.
Harrison.	Ray.
Hartzog.	Reader.
Head.	Reed of Bowie.
Hicks.	Reed of Dallas.
Hill of Webb.	Renfro.
Hodges.	Roberts.
Holekamp.	Rogers of Hunt.
Holloway.	Rogers
Hoskins.	of Ochiltree.
Huddleston.	Ross.
Hughes.	Russell.
Hunt.	Savage.
Hyder.	Scott.

Shannon.	Townsend.
Shults.	Van Zandt.
Stanfield.	Vaughan.
Steward.	Wagstaff.
Stinson.	Walker.
Stovall.	Weinert.
Sullivant.	Wells.
Tennyson.	Wood.
Tillery.	Young.

## Nays—1

Parkhouse.

## Present—Not Voting

Rollins.

## Absent

Alexander.	Holland.
Barrett.	Latham.
Barron.	McDougald.
Bedford.	McGregor.
Butler.	Ramsey.
Camp.	Riddle.
Caven.	Scarborough.
Colson.	Smith.
Coombes.	Tarwater.
Dunlap.	Thomas.
Griffith.	Turlington.
Hester.	West.
Hill of Brazoria.	Winningham.

## Absent—Excused

Anderson	Few.
of Bexar.	Johnson
Bradley.	of Dimmit.

RELATIVE TO HOUSE BILL  
NO. 667

Mr. Moffett asked unanimous consent of the House to have the caption of House Bill No. 667 amended to conform to the body of the bill.

There was no objection offered, and it was so ordered.

(Speaker in the Chair.)

## TO GRANT O. P. BATEMAN PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

S. C. R. No. 23, To grant O. P. Bateman permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution, with the following committee amendment:

Amend Senate Concurrent Resolution No. 23, in paragraph four (4),

line five (5), after the word "jurisdiction," by inserting the following: "in Travis County, Texas."

The amendment was lost.

The resolution was then adopted.

## TO GRANT INEZ GAMBOA PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 34, To grant Inez Gamboa permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution, with the following committee amendment:

Amend House Concurrent Resolution No. 34, last paragraph, line seven (7), after the word "Texas," by inserting the following: "in a court of competent jurisdiction in Travis County, Texas."

The amendment was adopted.

The resolution as amended was then adopted.

## RECESS

Mr. Puryear moved that the House recess to 2 o'clock p. m., today.

Mr. Parkhouse moved that the House recess to 7:30 o'clock p. m., today.

Question first recurring on the motion by Mr. Puryear, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—67

Adamson.	Golson.
Aikin.	Good.
Alexander.	Haag.
Alsup.	Hankamer.
Baker.	Harris.
Bourne.	Head.
Burns.	Hodges.
Calvert.	Holekamp.
Camp.	Hoskins.
Canon.	Huddleston.
Chastain.	Jackson.
Clayton.	Jefferson.
Cowley.	Jones of Atascosa.
Crossley.	Jones of Runnels.
Dean.	Laird.
Fain.	Long.
Fisher.	Lotief.
Ford.	Magee.
Fuchs.	Mackay.
Glass.	McCullough.

McDougald.	Rollins.
Merritt.	Ross.
Metcalfe.	Russell.
Mitcham.	Savage.
Moffett.	Shults.
Morrison.	Smith.
Pope.	Stinson.
Puryear.	Tarwater.
Ratliff.	Tillery.
Reed of Bowie.	Townsend.
Reed of Dallas.	Van Zandt.
Renfro.	Wagstaff.
Rogers of Hunt.	Wood.
Rogers of Ochiltree.	

## Nays—45

Anderson of Johnson.	Lemens.
Barron.	Lindsey.
Bedford.	McClain.
Coombes.	Moore.
Daniel.	Morse.
Davidson.	Munson.
Devall.	Nicholson.
Dunagan.	Palmer.
Engelhard.	Patterson.
Goodman.	Pavlica.
Greathouse.	Ramsey.
Harrison.	Roberts.
Hartzog.	Shannon.
Hicks.	Stanfield.
Hill of Webb.	Steward.
Holland.	Stovall.
Hughes.	Tennyson.
Hyder.	Thomas.
James.	Turlington.
Johnson	Vaughan.
of Anderson.	Walker.
Kyle of Hays.	Wells.
Latham.	Young.

## Absent

Barrett.	Kayton.
Beck.	Kyle of Palo Pinto.
Butler.	Leonard.
Cathey.	Mathis.
Caven.	McGregor.
Colson.	McKee.
Dunlap.	Parkhouse.
Duvall.	Ray.
Dwyer.	Reader.
Graves.	Riddle.
Griffith.	Scarborough.
Harman.	Scott.
Hester.	Sullivant.
Hill of Brazoria.	Weinert.
Holloway.	West.
Hunt.	Winningham.
Jones of Shelby.	

## Absent—Excused

Anderson of Bexar.	Few.
Bradley.	Johnson of Dimmit.

The House, accordingly, at 12:10 o'clock p. m., took recess to 2 o'clock p. m., today.

## AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

## INVITING INDEPENDENT OIL OPERATORS TO APPEAR BEFORE THE HOUSE

Mr. Burns, by unanimous consent, offered the following resolution:

Whereas, By virtue of a resolution, an invitation has been extended to the purchasers of crude oil who were present at an American Petroleum Institute directors' meeting in Fort Worth, Texas; and

Whereas, The State of Texas is a heavy producer of crude petroleum; and

Whereas, Those who have been invited will be mainly on one side of the oil picture, and they will be heard before the Legislature tonight; and

Whereas, All sides of the question should be presented at the same time; therefore, be it

Resolved by the House of Representatives, That any person who represents the independent operators and members of the Railroad Commission be invited to appear and express their views in regard to legislation on oil, pending before the House, at tonight's session.

The resolution was read second time, and was adopted.

## HOUSE BILL NO. 822 ON SECOND READING

(By Unanimous Consent)

Mr. Ratliff moved that the Twenty-four-hour House Rule, relative to printed bills and the regular order of business, be suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 822, A bill to be entitled "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes, heretofore made by independent school districts in this State, not in excess of the limit now provided by law, which are void or unenforceable because the same were made and adopted by resolution, motion, or other informal action; and because of the failure of the governing body

of such districts to appoint the proper and statutory board of equalization; and which are insufficient and void or unenforceable on account of technical irregularities in the manner of preparing the books and reports of assessors assessing such property, etc.; and declaring an emergency."

The motion prevailed.

The Speaker laid the bill before the House; it was read second time, and was passed to engrossment.

#### HOUSE BILL NO. 822 ON THIRD READING

Mr. Ratliff moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 822 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102

Mr. Speaker.	Hill of Brazoria.
Adamson.	Hill of Webb.
Aikin.	Hodges.
Alexander.	Holland.
Alsup.	Hoskins.
Anderson	Huddleston.
of Johnson.	Hughes.
Baker.	Hyder.
Barrett.	Jackson.
Barron.	Jefferson.
Bedford.	Jones of Atascosa.
Bourne.	Jones of Runnels.
Burns.	Jones of Shelby.
Calvert.	Kyle of Hays.
Canon.	Kyle of Palo Pinto.
Cathey.	Laird.
Caven.	Latham.
Clayton.	Leonard.
Colson.	Long.
Coombes.	Magee.
Cowley.	Mackay.
Davidson.	McClain.
Dunagan.	McDougald.
Engelhard.	McKee.
Fain.	Merritt.
Fisher.	Metcalf.
Ford.	Mitcham.
Glass.	Moffett.
Golson.	Moore.
Good.	Morrison.
Goodman.	Morse.
Graves.	Munson.
Griffith.	Puryear.
Haag.	Ramsey.
Hankamer.	Ratliff.
Harman.	Reader.
Hartzog.	Reed of Bowie.
Head.	Reed of Dallas.
Hicks.	Renfro.

Riddle.	Sullivant.
Rogers of Hunt.	Tennyson.
Rogers	Thomas.
of Ochiltree.	Tillery.
Rollins.	Townsend.
Ross.	Turlington.
Russell.	Van Zandt.
Savage.	Vaughan.
Scarborough.	Wagstaff.
Shannon.	Walker.
Smith.	Wells.
Steward.	Winningham.
Stovall.	Young.

#### Absent

Beck.	Lemens.
Butler.	Lindsey.
Camp.	Lotief.
Chastain.	Mathis.
Crossley.	McCullough.
Daniel.	McGregor.
Dean.	Nicholson.
Devall.	Palmer.
Dunlap.	Parkhouse.
Duvall.	Patterson.
Dwyer.	Pavlica.
Fuchs.	Pope.
Greathouse.	Ray.
Harris.	Roberts.
Harrison.	Scott.
Hester.	Shults.
Holekamp.	Stanfield.
Holloway.	Stinson.
Hunt.	Tarwater.
James.	Weinert.
Johnson	West.
of Anderson.	Wood.
Kayton.	

#### Absent—Excused

Anderson	Few.
of Bexar.	Johnson
Bradley.	of Dimmit.

The Speaker then laid House Bill No. 822 before the House on its third reading and final passage.

The bill was read third time.

Mr. Ratliff offered the following amendment to the bill:

Amend House Bill No. 822 by adding, at the end of Section 1, the following:

"Provided, however, that this Act shall not affect any suits pending, at the time same becomes effective, which have been filed for the collection of taxes by any independent school district in this State."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 822 was then passed by the following vote:

Yeas—103

Adamson.	Kyle of Hays.
Aikin.	Kyle of Palo Pinto.
Alexander.	Laird.
Alsup.	Latham.
Anderson	Leonard.
of Johnson.	Lindsey.
Baker.	Long.
Barrett.	Magee.
Barron.	Mackay.
Bedford.	McClain.
Bourne.	McDougald.
Burns.	McKee.
Calvert.	Metcalfe.
Canon.	Mitcham.
Cathey.	Moffett.
Caven.	Moore.
Clayton.	Morrison.
Colson.	Morse.
Coombes.	Munson.
Cowley.	Puryear.
Daniel.	Ramsey.
Davidson.	Ratliff.
Dunagan.	Reader.
Engelhard.	Reed of Bowie.
Fain.	Reed of Dallas.
Fisher.	Renfro.
Ford.	Riddle.
Glass.	Rogers of Hunt.
Golson.	Rogers
Good.	of Ochiltree.
Goodman.	Rollins.
Graves.	Ross.
Griffith.	Russell.
Haag.	Savage.
Hankamer.	Scarborough.
Harman.	Shannon.
Hartzog.	Smith.
Head.	Steward.
Hester.	Stovall.
Hicks.	Sullivant.
Hill of Brazoria.	Tennyson.
Hill of Webb.	Thomas.
Hodges.	Tillery.
Holland.	Townsend.
Hoskins.	Turlington.
Huddleston.	Van Zandt.
Hughes.	Vaughan.
Hyder.	Wagstaff.
Jackson.	Walker.
Jefferson.	Wells.
Jones of Atascosa.	Winningham.
Jones of Runnels.	Young.
Jones of Shelby.	

Present—Not Voting

Merritt.

Absent

Beck.	Crossley.
Butler.	Dean.
Camp.	Devall.
Chastain.	Dunlap.

Duvall.	McGregor.
Dwyer.	Nicholson.
Fuchs.	Palmer.
Greathouse.	Parkhouse.
Harris.	Patterson.
Harrison.	Pavlica.
Holekamp.	Pope.
Holloway.	Ray.
Hunt.	Roberts.
James.	Scott.
Johnson	Shults.
of Anderson.	Stanfield.
Kayton.	Stinson.
Lemens.	Tarwater.
Lotief.	Weinert.
Mathis.	West.
McCullough.	Wood.

Absent—Excused

Anderson	Few.
of Bexar.	Johnson
Bradley.	of Dimmit.

### HOUSE BILL NO. 218 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, H. B. No. 218, A bill to be entitled "An Act requiring the Land Commissioner to ascertain and determine the amount of bonus and rental money due the state, and by whom due, under the operation, terms, and conditions of Chapter 81, printed Acts of the Second Called Session of the Thirty-sixth Legislature and the amendment thereof, by the First Called Session of the Thirty-seventh Legislature, which Acts are generally referred to as the Relinquishment Act, authorizing the Land Commissioner to settle and compromise such debts with the debtors on the basis of actual amounts found due, less all just and lawful credits, etc.; and declaring an emergency."

The bill was read third time.

Mr. Jones of Atascosa offered the following amendment to the bill:

Amend House Bill No. 218 by striking out everything above the enacting clause, and in lieu thereof substitute the following:

"H. B. No. 218,

A BILL

To Be Entitled

An Act requiring the Commissioner of the General Land Office to ascertain and determine the amounts of bonus and rental due the State, and by whom due, as a result of



the execution of oil and gas leases by owners of the soil, as agents of the State, under the provisions of the Relinquishment Act; providing that the debtor shall pay said debt in cash or, at his option, shall pay one-twentieth (1/20) in cash, and execute an obligation to the State for the balance due, payable in twenty (20) equal annual payments beginning one year from the date of the obligation; providing that such obligation shall be a promissory note, bearing interest at the rate of four per cent (4%) per annum payable annually, that principal and interest shall be payable at Austin, Travis County, Texas, and that past due principal and interest shall bear interest at the rate of five per cent (5%) per annum; providing that failure to pay any installment of principal or interest may, at the option of the Land Commissioner, mature the whole debt; providing that the extension of time granted by this Act shall not apply to any lessee or lessees, and the State's right against any lessee or lessees shall not be in any wise affected or prejudiced, but the State may proceed to collect from said lessee or lessees, such sums as may be due by them to the State without regard to the other provisions of this Act; providing that nothing in this Act shall be construed as releasing any lien that the State may now have securing the payment of debts due it under the Relinquishment Act; providing that unless the debtor executes the promissory note, as provided in this Act, in payment of his debt to the State within two (2) years from the date this Act becomes effective, that he shall not thereafter be permitted to pay said debt by the execution of such obligation; providing no suit may be instituted or maintained by the State against any lessor for the collection of any debt due the State by any lessor because of the execution of any oil and gas lease, under the provisions of the Relinquishment Act, until said lessor has failed or refused to take advantage of the provisions of this Act within the time provided in said Act; providing further, that no suit may be instituted or maintained, for the collection of any such debt due the State by a

lessor, unless such suit is instituted within five (5) years from and after the date this Act goes into effect, providing further, that this limitation shall not apply to the obligation made to the State, as provided in Section 2 of this Act, nor to any suit now pending or hereafter instituted against any lessee; providing that the terms and provisions of this Act shall not apply to any indebtedness due the State which may accrue subsequent to the date this Act becomes effective, or to any debt due the State for oil and gas produced, nor to any bonus or rental money derived from a lease upon any section or part of section of land producing oil or gas in commercial or paying quantities at the effective date of this Act; providing if any section, clause, provision, or sentence in this Act contained, should ever be held unconstitutional, such holding shall not affect the remaining portions of this Act; and declaring an emergency."

The amendment was adopted.

House Bill No. 218 was then passed, by the following vote:

Yeas—76

Adamson.	Holland.
Alexander.	Holloway.
Alsup.	Hoskins.
Anderson	Hughes.
of Johnson.	Hyder.
Baker.	Jackson.
Bedford.	Jefferson.
Bourne.	Jones of Atascosa.
Butler.	Jones of Runnels.
Calvert.	Jones of Shelby.
Cathey.	Kyle of Hays.
Caven.	Kyle of Palo Pinto.
Chastain.	Laird.
Clayton.	Latham.
Colson.	Lindsey.
Cowley.	Magee.
Davidson.	Mackay.
Dunagan.	McClain.
Dwyer.	McCullough.
Engelhard.	McDougald.
Fain.	McKee.
Ford.	Merritt.
Golson.	Metcalfe.
Good.	Mitcham.
Griffith.	Moffett.
Haag.	Moore.
Hankamer.	Puryear.
Head.	Ramsey.
Hester.	Ratliff.
Hill of Webb.	Renfro.

Rogers	Sullivant.
of Ochiltree.	Tarwater.
Rollins.	Thomas.
Russell.	Townsend.
Savage.	Turlington.
Scott.	Van Zandt.
Shannon.	Wagstaff.
Shults.	Walker.
Smith.	Wood.
Steward.	Young.

## Nays—28

Aikin.	Long.
Barrett.	Morse.
Burns.	Munson.
Canon.	Ray.
Coombes.	Reed of Bowie.
Fisher.	Reed of Dallas.
Glass.	Riddle.
Goodman.	Rogers of Hunt.
Graves.	Stovall.
Harman.	Tennyson.
Hartzog.	Tillery.
Hicks.	Vaughan.
Hodges.	Wells.
Huddleston.	Winningham.

## Absent

Barron.	Lemens.
Beck.	Leonard.
Camp.	Lotief.
Crossley.	Mathis.
Daniel.	McGregor.
Dean.	Morrison.
Devall.	Nicholson.
Dunlap.	Palmer.
Duvall.	Parkhouse.
Fuchs.	Patterson.
Greathouse.	Pavlica.
Harris.	Pope.
Harrison.	Reader.
Hill of Brazoria.	Roberts.
Holekamp.	Ross.
Hunt.	Scarborough.
James.	Stanfield.
Johnson	Stinson.
of Anderson.	Weinert.
Kayton.	West.

## Absent—Excused

Anderson	Few.
of Bexar.	Johnson
Bradley.	of Dimmit.

## MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, March 16, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate  
to inform the House that the Senate  
has adopted

S. C. R. No. 31, Requesting the  
House to return to the Senate, memo-

rial resolution, concerning the build-  
ing of a reservoir on the Rio Grande,  
for further consideration.

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

HOUSE BILL NO. 7 ON SECOND  
READING

The Speaker laid before the House,  
on its second reading and passage to  
engrossment,

H. B. No. 7, A bill to be entitled  
"An Act providing a uniform system  
of selecting the number, and setting  
the salaries of, deputies of the sheriff,  
county clerk, county attorney, district  
clerk, tax assessor, tax collector, dis-  
trict attorney, constables, and justices  
of the peace in precincts of more than  
fifty thousand inhabitants, etc., and  
declaring an emergency."

The bill was read second time.

Mrs. Hughes offered the following  
committee amendment to the bill:

Amend House Bill No. 7 by striking  
out all below the enacting clause and  
inserting in lieu thereof the follow-  
ing:

"Section 1. The county judge of  
each county in which the population,  
according to the last preceding Fed-  
eral Census, exceeds three hundred  
thousand (300,000) inhabitants, and  
does not exceed three hundred and  
fifty-five thousand (355,000) inhabi-  
tants, in his capacity as budget officer  
for the commissioners court in each  
county shall, during the month of No-  
vember of each year, assisted by the  
county auditor, prepare a budget to  
cover all proposed expenditures for  
the offices of the sheriff, county clerk,  
district clerk, tax assessor, tax col-  
lector, and/or tax collector-tax asses-  
sor, criminal district attorney, con-  
stables, and justices of the peace for  
the year beginning the following Jan-  
uary 1. Such budget shall be care-  
fully itemized and shall include the  
salaries and number of deputies and  
assistants in each of said offices, and  
all other expense necessary for the  
operation of said offices. Such budget  
shall provide for the amount to be  
paid for each office out of the fees of  
office and the amount to be appro-  
priated out of the general fund by  
the commissioners court, and such  
appropriations shall be within the dis-  
cretion of the commissioners court.  
In the preparation of the budget for

each of said offices the county judge shall make such investigation as may be deemed necessary, and shall also have authority to require any officer of the county and/or officer-elect of the county to furnish such information concerning his office as may be necessary in the preparation of such budget.

"Sec. 2. Prior to the fifteenth day of December of each year, the county commissioners court shall provide for a public hearing on the proposed budget, after notice in some paper of general circulation in the county, giving the date and place of hearing. Any citizen of such county shall have the right to be present and participate in said hearing. Prior to the twentieth of December of each year the budget shall be acted upon by the commissioners court and the court, in entering its order, shall take into consideration any and all information obtained, and may make such changes in the proposed budget as it may deem advisable for the interests of the people. When the budget for the said offices has been finally approved by the commissioners court the order approving same, together with a copy of the budget, shall be filed with the clerk of the county court, and a certified copy thereof filed in the office of the State Comptroller. The expenditures of the officers shall be in strict conformity with the budget adopted by the commissioners court; provided and except, however, that the commissioners court is authorized to make, from time to time, such amendments increasing or decreasing appropriations provided for in such budget as are, in the judgment of the court, necessary, and no additional expense and/or change in the expenditures may be made until after such expense and/or change has been authorized by the court. In every case where the budget is amended by the court, the order amending same shall state fully the reasons and the necessity for such amendment; and a copy of same shall be filed with the clerk of the county court and attached to the budget originally adopted.

"Sec. 3. The commissioners court, in providing such budget, is expressly authorized to fix the compensation for each deputy, assistant, and employe of said officers named in Section 1, regardless of the limitations and maximums now provided by any other law

or laws, and to determine the number of the deputies, assistants, and employes of said officers named in Section 1, regardless of the number provided and/or required by any other law or laws.

"Sec. 4. If any of the officers named in Section 1 hereof shall fail to comply with the provisions of this Act such officer shall be liable to a penalty of twenty-five dollars (\$25) for each day such officer fails to comply with each of the provisions hereof; and in case of such failure it shall be the duty of the commissioners court to bring suit to recover against such officer for such purpose.

"Sec. 5. All laws and parts of laws in conflict herewith are hereby repealed as applied to all counties coming within the provisions of this Act.

"Sec. 6. The fact that there is no adequate law in certain counties to provide for the budgeting of the offices of the sheriff, county clerk, county attorney, district clerk, tax assessor, tax collector, district attorney, constables, and justices of the peace, and the further fact that such law is urgently needed to conserve the funds of the county creates an emergency and an imperative public necessity that the constitutional rule, requiring that bills be read on three several days in each House, be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

Mr. Coombes raised a point of order on further consideration of the amendment, on the ground that the amendment, if adopted, would render the bill unconstitutional.

The Speaker overruled the point of order.

Question recurring on the committee amendment, it was adopted.

Mrs. Hughes offered the following committee amendment to the bill:

Amend House Bill No. 7 by striking out all above the enacting clause, and inserting in lieu thereof the following:

"H. B. No. 7,

A BILL

To Be Entitled

An Act providing for the preparation of a budget by the county judge of each county in which the

population, according to last preceding Federal Census, exceeds 300,000 inhabitants and does not exceed 355,000 inhabitants, for the offices of the sheriff, county clerk, district clerk, tax assessor, tax collector, criminal district attorney, constables, and justices of the peace, during the month of November of each year for the year beginning the following January 1; providing for the contents of such budget and the method of obtaining the information for same; providing for a public hearing on same and the time thereof and notice thereon; providing for action thereon by the commissioners court and changes therein; providing for the filing of the court's order and copy of budget with the county clerk and State Comptroller; providing for expenditures in conformity with the budget; providing for amendments to the original budget and filing thereof with reason therefor and expenditures in conformity therewith; providing for commissioners court fixing compensation of deputies, assistants, and employes, regardless of limitations and maximum now provided by any other law or laws, and for fixing the number of deputies, assistants, and employes, regardless of the number provided and/or required by any other law or laws; and repealing all laws in conflict as applied to counties coming under the provisions of this law; and declaring an emergency."

The amendment was adopted.

House Bill No. 7 was then passed to engrossment.

### HOUSE BILL NO. 7 ON THIRD READING

Mrs. Hughes moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 7 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—91

Mr. Speaker.	Anderson
Adamson.	of Johnson.
Aikin.	Barrett.
Alsop.	Bedford.

Bourne.	Laird.
Burns.	Latham.
Butler.	Lindsey.
Calvert.	Long.
Cathey.	Magee.
Chastain.	Mackay.
Clayton.	McClain.
Colson.	McDougald.
Coombes.	McKee.
Crossley.	Mitcham.
Davidson.	Moffett.
Dunagan.	Moore.
Engelhard.	Morse.
Fain.	Munson.
Fisher.	Puryear.
Ford.	Ramsey.
Fuchs.	Ratliff.
Golson.	Riddle.
Good.	Roberts.
Goodman.	Rogers of Hunt.
Griffith.	Rogers
Haag.	of Ochiltree.
Hankamer.	Rollins.
Harman.	Ross.
Hartzog.	Russell.
Head.	Savage.
Hester.	Scarborough.
Hicks.	Shannon.
Hill of Brazoria.	Smith.
Hill of Webb.	Steward.
Hodges.	Stovall.
Holekamp.	Sullivan.
Holland.	Tarwater.
Holloway.	Tennyson.
Hughes.	Thomas.
Hunt.	Townsend.
Hyder.	Turlington.
Jackson.	Van Zandt.
Jefferson.	Vaughan.
Johnson	Wagstaff.
of Anderson.	Walker.
Jones of Runnels.	Wells.
Kyle of Hays.	Young.

Nays—11

Canon.	Lotief.
Caven.	Reed of Bowie.
Glass.	Reed of Dallas.
Graves.	Stanfield.
Huddleston.	Tillery.
Kyle of Palo Pinto.	

Present—Not Voting

Baker.	Merritt.
Camp.	Renfro.
Dean.	Winningham.

Absent

Alexander.	Duvall.
Barron.	Dwyer.
Beck.	Greathouse.
Cowley.	Harris.
Daniel.	Harrison.
Devall.	Hoskins.
Dunlap.	James.

Jones of Atascosa.	Parkhouse.
Jones of Shelby.	Patterson.
Kayton.	Pavlica.
Lemens.	Pope.
Leonard.	Ray.
Mathis.	Reader.
McCullough.	Scott.
McGregor.	Shults.
Metcalfe.	Stinson.
Morrison.	Weinert.
Nicholson.	West.
Palmer.	Wood.

## Absent—Excused

Anderson	Few.
of Bexar.	Johnson
Bradley.	of Dimmit.

The Speaker then laid House Bill No. 7 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—56

Adamson.	Johnson
Alsup.	of Anderson.
Anderson	Jones of Runnels.
of Johnson.	Laird.
Barrett.	Lindsey.
Burns.	Long.
Butler.	Magee.
Calvert.	Mackay.
Camp.	McKee.
Chastain.	Morse.
Clayton.	Puryear.
Crossley.	Ramsey.
Fain.	Ray.
Ford.	Rogers of Hunt.
Golson.	Rollins.
Goodman.	Ross.
Hankamer.	Savage.
Harman.	Shannon.
Hartzog.	Shults.
Hicks.	Smith.
Hill of Webb.	Steward.
Hodges.	Stovall.
Holland.	Sullivant.
Hoskins.	Thomas.
Hughes.	Townsend.
Hyder.	Turlington.
Jackson.	Van Zandt.
Jefferson.	Vaughan.
	Young.

## Nays—18

Canon.	Good.
Cathey.	Huddleston.
Caven.	Latham.
Colson.	Reed of Bowie.
Coombes.	Reed of Dallas.
Davidson.	Russell.
Dunagan.	Stanfield.
Dwyer.	Tillery.
Glass.	Wagstaff.

## Present—Not Voting

Aikin.	Merritt.
Baker.	Mitcham.
Bourne.	Moore.
Cowley.	Munson.
Dean.	Ratliff.
Engelhard.	Renfro.
Fuchs.	Roberts.
Griffith.	Rogers
Haag.	of Ochiltree.
Holcamp.	Scarborough.
Hunt.	Tennyson.
Kyle of Hays.	Walker.
Lotief.	Wells.
McDougald.	Winningham.

## Absent

Alexander.	Lemens.
Barron.	Leonard.
Beck.	Mathis.
Bedford.	McClain.
Daniel.	McCullough.
Devall.	McGregor.
Dunlap.	Metcalfe.
Duvall.	Moffett.
Fisher.	Morrison.
Graves.	Nicholson.
Greathouse.	Palmer.
Harris.	Parkhouse.
Harrison.	Patterson.
Head.	Pavlica.
Hester.	Pope.
Hill of Brazoria.	Reader.
Holloway.	Scott.
James.	Stinson.
Jones of Atascosa.	Tarwater.
Jones of Shelby.	Weinert.
Kayton.	West.
Kyle of Palo Pinto.	Wood.

## Absent—Excused

Anderson	Few.
of Bexar.	Johnson
Bradley.	of Dimmit.

## HOUSE BILL NO. 19 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 19, A bill to be entitled "An Act to amend Article 1572, Chapter 3, Title 18, Penal Code of the State of Texas, Revision of 1925, and declaring an emergency." (Relating to fifty-four-hour week for female employes.)

The bill was read second time.

Mr. Holland offered the following committee amendment to the bill:

Amend House Bill No. 19 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That Article 1572, Chapter 3, Title 18, of the Revised Penal Code of the State of Texas, be amended so as to hereafter read as follows:

"Article 1572. Punishment. Any employer, overseer, superintendent, foreman, or other agent of any such employer who shall permit any female to work in any place mentioned in the first Article of this chapter more than the number of hours provided therein in any one day of twenty-four hours, or in any one week, or who shall violate any of the other provisions or requirements of this chapter in any respect, shall be fined not less than fifty dollars (\$50), nor more than two hundred dollars (\$200). Each day of such violation, and each calendar week of such violation, and each such employe permitted to work in said places more than the hours so specified in this chapter, and every other violation of the provisions of this chapter, shall be considered a separate offense."

"Sec. 2. The fact that the Court of Criminal Appeals recently held in *Ex Parte Butcher* that no punishment was fixed by law for such employers and others who permit a female employe to work more than fifty-four hours in any calendar week, and the necessity for protecting the young girls and women of this State from overwork in the places so specified in said chapter of the Penal Code, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each House, be, and the same is hereby, suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Mr. Griffith offered the following amendment to the amendment:

Amend committee amendment to House Bill No. 19, on page 2, by striking out lines 18 to 30, inclusive, and inserting in lieu thereof the following:

"Article 1572. Punishment. Any employer, overseer, superintendent, foreman, or other agent of any such employer who shall permit any female to work in any place mentioned in the first Article of this chapter more than the number of hours provided therein in any one day of twenty-four hours, or in any one week, or who shall violate any of the other

provisions or requirements of this chapter in any respect, or who, having furnished and provided suitable seats as provided for in the second Article of this chapter, shall, by intimidation, instruction, threats, or in any manner prevent such females from sitting thereon, when not attending the duties of her position, shall be fined not less than fifty dollars (\$50), nor more than two hundred dollars (\$200). Each day of such violation, and each calendar week of such violation, and each such employe permitted to work in said places more than the hours so specified in this chapter, and every other violation of the provisions of this chapter, shall be considered a separate offense."

The amendment to the amendment was adopted.

Mr. Lotief offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 19, page 2, line 25, by striking out the figures "\$50," and insert in lieu thereof "\$10."

The amendment was adopted.

The committee amendment as amended was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 19 was then passed to engrossment.

#### HOUSE BILL NO. 19 ON THIRD READING

Mr. Holland moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 19 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106

Adamson.	Butler.
Aikin.	Calvert.
Alexander.	Camp.
Alsup.	Canon.
Anderson	Cathey.
of Johnson.	Caven.
Baker.	Clayton.
Barrett.	Coombes.
Beck.	Crossley.
Bourne.	Daniel.
Burns.	Davidson.

Dean.	Mitcham.
Dunagan.	Moffett.
Dwyer.	Moore.
Engelhard.	Morse.
Fain.	Munson.
Fisher.	Nicholson.
Ford.	Pavlica.
Glass.	Pope.
Golson.	Ratliff.
Good.	Ray.
Goodman.	Reader.
Graves.	Reed of Bowie.
Griffith.	Reed of Dallas.
Hankamer.	Riddle.
Harman.	Roberts.
Hicks.	Rogers of Hunt.
Hill of Brazoria.	Rogers
Hill of Webb.	of Ochiltree.
Hodges.	Rollins.
Holekamp.	Ross.
Holland.	Russell.
Holloway.	Savage.
Hoskins.	Shannon.
Huddleston.	Shults.
Hughes.	Smith.
Hunt.	Stanfield.
Hyder.	Steward.
Jackson.	Stinson.
James.	Stovall.
Jefferson.	Tarwater.
Jones of Runnels.	Thomas.
Jones of Shelby.	Tillery.
Kyle of Hays.	Townsend.
Kyle of Palo Pinto.	Van Zandt.
Laird.	Vaughan.
Lindsey.	Wagstaff.
Lotief.	Walker.
Magee.	Wells.
McClain.	Winningham.
McKee.	Wood.
Merritt.	

Nays—1

Young.

Absent

Barron.	Lemens.
Bedford.	Leonard.
Chastain.	Long.
Colson.	Mackay.
Cowley.	Mathis.
Devall.	McCullough.
Dunlap.	McDougald.
Duvall.	McGregor.
Fuchs.	Metcalfe.
Greathouse.	Morrison.
Haag.	Palmer.
Harris.	Parkhouse.
Harrison.	Patterson.
Hartzog.	Puryear.
Head.	Ramsey.
Hester.	Renfro.
Johnson	Scarborough.
of Anderson.	Scott.
Jones of Atascosa.	Sullivant.
Kayton.	Tennyson.
Latham.	Turlington.

Weinert. West.  
Absent—Excused

Anderson Few.  
of Bexar. Johnson  
Bradley. of Dimmit.

The Speaker then laid House Bill No. 19 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—101

Adamson.	Kyle of Palo Pinto.
Aikin.	Laird.
Alexander.	Lindsey.
Alsup.	Lotief.
Anderson	Magee.
of Johnson.	Mackay.
Baker.	McClain.
Beck.	McKee.
Bourne.	Merritt.
Burns.	Mitcham.
Butler.	Moffett.
Calvert.	Moore.
Camp.	Morse.
Canon.	Munson.
Cathey.	Nicholson.
Caven.	Parkhouse.
Chastain.	Pavlica.
Clayton.	Pope.
Coombes.	Ratliff.
Crossley.	Ray.
Daniel.	Reader.
Davidson.	Reed of Bowie.
Dean.	Reed of Dallas.
Dunagan.	Riddle.
Dwyer.	Roberts.
Engelhard.	Rogers of Hunt.
Fain.	Rogers
Fisher.	of Ochiltree.
Ford.	Rollins.
Glass.	Ross.
Golson.	Russell.
Good.	Savage.
Goodman.	Scarborough.
Graves.	Shannon.
Griffith.	Shults.
Hankamer.	Smith.
Hicks.	Stanfield.
Hill of Brazoria.	Steward.
Hill of Webb.	Stinson.
Hodges.	Stovall.
Holland.	Sullivant.
Hoskins.	Tarwater.
Huddleston.	Tillery.
Hughes.	Townsend.
Hunt.	Van Zandt.
Hyder.	Vaughan.
Jackson.	Wagstaff.
James.	Walker.
Jefferson.	Wells.
Jones of Runnels.	Winningham.
Jones of Shelby.	Wood.
Kyle of Hays.	

## Nays—2

Barrett. Young.

## Present—Not Voting

Thomas.

## Absent

Barron.	Kayton.
Bedford.	Latham.
Colson.	Lemens.
Cowley.	Leonard.
Devall.	Long.
Dunlap.	Mathis.
Duvall.	McCullough.
Fuchs.	McDougald.
Greathouse.	McGregor.
Haag.	Metcalf.
Harman.	Morrison.
Harris.	Palmer.
Harrison.	Patterson.
Hartzog.	Puryear.
Head.	Ramsey.
Hester.	Renfro.
Holekamp.	Scott.
Holloway.	Tennyson.
Johnson	Turlington.
of Anderson.	Weinert.
Jones of Atascosa.	West.

## Absent—Excused

Anderson	Few.
of Bexar.	Johnson
Bradley.	of Dimmit.

HOUSE BILL NO. 20 ON SECOND  
READING

The Speaker laid before the House, on its second reading and passage to third reading,

H. B. No. 20, A bill to be entitled "An Act to safeguard against the irresponsible practice of the profession of architecture; defining and regulating the practice of architecture; creating a Board of Architectural Examiners; providing for appointment; fixing the terms of office; providing for the appointment of their successors and for filling vacancies, etc.; and declaring an emergency."

The bill was read second time.

Mr. Morse offered the following committee amendment to the bill:

Amend House Bill No. 20 by striking out all below the enacting clause, and inserting in lieu thereof the following:

"Section 1. That in order to safeguard life, health, and property, and the public welfare, and in order to protect the public against the irre-

sponsible practice of the profession of architecture by properly defining and regulating the practice of architecture, no person shall practice architecture, as hereinafter defined, within this State, after ninety days after the appointment and qualification of the members of the Board of Architectural Examiners hereinafter created, unless he be a registered architect, as provided by this Act.

"Sec. 2. A Board of Architectural Examiners is hereby created, to be composed of three members, each of whom shall have been engaged in the practice of architecture for a period of ten years, or more, to be appointed by the Governor of this State within thirty days after this Act becomes effective, and said appointments shall be approved by a majority vote of the Senate. One member of said Board shall hold office for the period of two years from and after his or her appointment. One member of said Board shall hold office for the period of four years from and after his or her appointment. The remaining member of said Board shall hold office for the period of six years from and after his or her appointment. Each of the members of said Board shall retain his or her office until his or her successor is duly appointed and qualified. The Governor of this State shall appoint a successor to each person whose term of office shall expire, and such appointments shall be approved by a majority vote of the Senate, and said person so appointed shall hold office for a period of six years from and after his or her appointment, and he or she shall be a registered architect, and have such other qualifications as provided by this Act. The persons so appointed shall be resident citizens of, and legal voters of, this State. All vacancies occurring in the membership of said Board shall be filled by appointment by the Governor of this State for the unexpired term of such membership, and such appointments shall be approved by a majority vote of the Senate.

"Not more than one member of such Board shall be a stockholder or owner of any interest in, or be a member of the faculty, or board of trustees, or other governing board of, or be an officer of, any school or college which teaches architecture.

"Sec. 3. The members of the Board of Architectural Examiners shall, be-



fore entering upon the discharge of their duties, qualify, by subscribing to, before a notary public or other officer authorized by law to administer oaths, and filing with the Secretary of State, the constitutional oath of office. They shall, as soon as organized, and biannually thereafter in the month of January, elect from their number a chairman, vice-chairman, and secretary-treasurer. The secretary-treasurer, before entering upon his duties, shall file a bond with the Secretary of State for such sum as will be five times the amount of cash on hand at the time the bond is filed; provided, that the amount of said bond shall, in no case, be less than five thousand dollars. Said bond shall be payable to the Governor of the State, for the benefit of said Board; shall be conditioned upon the faithful performance of the duties of such officer, and shall be in such form as may be approved by the Governor of the State, and shall be executed by a surety company, as surety, and be approved by the Board of Architectural Examiners.

"The Board shall adopt all reasonable or necessary rules, regulations, and by-laws to govern its proceedings and activities, not inconsistent with this Act, the laws of this State, or of the United States, which it may deem advisable. The Board shall adopt a seal, which shall be used on official documents. The design of the seal shall be similar to the seal of other departments of the State, in that it shall contain the five-pointed star with an ornamental circular border, and within the border shall contain the words, 'Texas Board of Architectural Examiners.' The secretary-treasurer of the Board shall keep a correct record of all proceedings of the Board, and of all moneys received or expended by the Board, which record shall be open to public inspection at all reasonable times. The records shall include a record of proceedings relating to examination of applicants, and the issuance, renewal, or refusal of certificates of registration; and they shall also contain the name, known place of residence, and the date and serial number of registration certificate of every registered architect entitled to practice his or her profession in the State of Texas, and a record of all renewals of such certificates. The records shall be kept by the secretary-treasurer of the Board, and such

records shall be audited biannually during the month of January by a certified public accountant, and a report of the findings of such audit shall be made to———, and a copy of said report shall be delivered to the secretary-treasurer of the Board, who shall retain same as a permanent record of the office.

"The Board shall cause the prosecution of all persons violating any of the provisions of this Act, and may incur the expenses reasonably necessary in that behalf.

"Sec. 4. The expense of said Board, and of the office thereof, and of the examinations held by said Board, and all reasonably necessary traveling expenses of the members of said Board, incurred in the performance of their official duties, and the expense of any other matter in connection with the provision of this Act, shall be paid from the fund created by the registration and other fees herein provided for, and received by said Board, and no part of the expense of the Board, or the salary or compensation of the members thereof, shall be paid out of the Treasury of the State, or be a charge against the State.

"The secretary-treasurer of the Board of Architectural Examiners shall receive such annual compensation as shall be determined by the Board, by resolution adopted at a regular meeting, but in no case shall such compensation exceed one thousand eight hundred dollars per year, exclusive of allowable expenses of office. The other members of the Board shall each receive as compensation for their services, in addition to their necessary expenses, the sum of ten dollars for every day actually spent by them in going to, attending, and returning from regular and special meetings of the Board, and in conducting examinations of applicants for registration certificates as provided for by this Act, but in no case shall the compensation to any one member of the Board, other than the secretary-treasurer of the Board, exceed three hundred dollars per year, exclusive of allowable expenses. All moneys received in excess of the expenses of the Board, and the compensation to the members of the Board, shall be held by the secretary-treasurer of the Board in a special fund to be known as 'Architects Registration Fund,' held by the Treasurer of the State,

and subject to draft by the secretary-treasurer of the Board.

"If, at any of the times when the books and records of the Board are audited, as provided for in Section 3 of this Act, it is found that there is more than five thousand dollars on hand in the hereinabove named 'Architects Registration Fund,' and in the hands of the Board, then all money over and above that total amount (five thousand dollars) shall be permanently diverted to the General Fund of the State.

"Sec. 5. Two members of the Board shall constitute a quorum. Regular meetings shall be held at such time as the Board may fix and determine. Special meetings of the Board shall be called by the chairman, or in his absence from the State, or inability to act, by the vice-chairman, or by the joint action of any two members of said Board. Notice of the time and place of all meetings shall be given in writing to each member by the mailing of such notice to him or her, at his or her last-known address, at least ten days prior to the time of such meeting. Such notice shall be given by the secretary-treasurer, or by the officer calling the meeting, or in the case of special meetings called by two members of the Board, the notice shall be mailed by one of those calling the meeting.

"The Board of Architectural Examiners shall adopt rules and regulations for the examination and registration of applicants to practice architecture, in accordance with the provisions of this Act, and may amend, modify, and repeal such regulations from time to time. The Board shall, within fifteen days from the election of the officers thereof, and upon the adoption, repeal, or modification of its rules, regulations, or by-laws governing proceedings, or its rules and regulations of examinations of applicants for registration certificates, file with the Secretary of State, and publish in one daily newspaper of general circulation within the State, published in the State, and in an architectural journal published in the State of Texas, and if there be none, then in a second daily newspaper published in the State, in a city different from that in which the first newspaper is published, at least twice, the name and address of each officer, and a copy of such rules, regulations, or by-laws, or the amendments, repeal, or modification thereof.

"Sec. 6. Provision shall be made by the Board of Architectural Examiners for holding examinations of applicants for registration under this Act, at such place or places as may be determined by the Board, at least twice in each year, if there be applicants. Any person of good moral character, over 21 years of age, upon payment of a fee of five dollars to the secretary-treasurer, shall be entitled to enter the examination to determine his or her qualifications. All examinations shall be governed and directed by said Board, or by a committee of two of its members delegated by the Board, and due notice of the time, scope of examination, and place of holding such examinations shall be published, as in the case provided for the publication of rules and regulations of the Board. The examination shall cover those subjects to be determined and prescribed by the Board, the knowledge of which is necessary in the proper practice of architecture.

"Sec. 7. If the result of the examination of an applicant shall be satisfactory to a majority of the Board, under its rules, the secretary-treasurer shall, upon an order of the Board, issue to the applicant a certificate to that effect, and upon payment to the secretary-treasurer of the Board by the candidate of a fee of twenty-five dollars, he shall thereupon issue, and cause to be recorded in the office of the Secretary of State, and delivered to the person therein named a registration certificate, bearing a serial number, authorizing him or her, subject to the provisions of this Act, to practice the profession of architecture in this State for the period of one year from the date of such certificate; provided, however, that same may be renewed from year to year, in accordance with the provision of Section 13 of this Act.

"And person of good moral character who shall, at the time that this Act goes into effect, whose principal vocation is the practice of architecture in this State, and who was engaged in the practice of architecture for a period of at least six months prior to passage of this Act, and who shall present to the Board of Architectural Examiners an affidavit to that effect, shall be entitled to receive such certificate without examination; and upon payment to the secretary-treasurer of the Board of a fee of twenty-

five dollars, the secretary-treasurer of the Board shall issue a registration certificate, as above-required, to each architect having complied with the provisions of this Act; provided, however, that the Board may, in its discretion, require further evidence than the affidavit hereinabove provided for that the applicant was actually engaged in the practice of architecture at the time that this Act went into effect. Such practicing architects are hereby required to file their applications for registration under this Act within ninety days after the appointment and qualification of the members of the Board hereunder. Coincident with its issue, the Board shall cause each registration certificate issued by it to be recorded in the office of the Secretary of State. For the purpose of recording such certificates, the Secretary of State shall keep a book, or books, of suitable size, to be known as the 'Register of Architects,' and shall record each such certificate on a separate page of said book, together with the date same was filed for record, and the residence of the certificate holder at the time of filing same for record.

"In the case of co-partnership of architects, each partner must be registered to practice architecture. No stock company or corporation shall be registered to practice architecture, but the same may, if acting within its lawful charter powers, practice as such, provided the officers of such corporation be registered architects.

"Sec. 8. An architect of good moral character who has lawfully practiced architecture for a period of ten years or more outside this State, or partly within and partly without this State, may be required, at the discretion of the Board, in order to obtain a registration certificate to practice architecture within this State, to take only a practical examination, the nature of which shall be prescribed by the Board of Architectural Examiners, provided that, as a condition precedent to the issuance of a registration certificate to such applicant, the Board may require him to furnish and file evidence satisfactory to the Board that he has not been restrained from practicing architecture in any other State or jurisdiction on account of negligence, incompetency, recklessness, or dishonesty, or other cause sufficient to be grounds for the revocation of a registration certi-

cate in this State, or that no registration certificate, or other license, or permit to practice architecture, theretofore issued to him at any time or place, has ever been revoked; and if such applicant has been so restrained, or if a certificate or other license or permit issued to him has ever been so revoked, the Board may, in its discretion, refuse to issue a registration certificate to him authorizing him to practice architecture in this State.

"An architect who has lawfully practiced architecture in another State of the United States, or country outside the border of the United States, where the qualifications prescribed by law were, at the time he practiced in that State or country, substantially equal to those prescribed in this State at the date of his application, may obtain a registration certificate to practice architecture in this State merely by furnishing evidence satisfactory to the Board of the fact that he has so lawfully practiced in such other State or country; provided that by the laws or legal regulation of that State or country like or similar privilege is extended to architects of this State applying for the right to practice architecture in such other State or country.

"The fee to be paid by an architect of another State or country, applying for the original registration certificate to practice architecture in this State, shall be the sum of thirty dollars.

"Sec. 9. Any person of good moral character making application for a registration certificate who presents to the Board a diploma of graduation or satisfactory certificate from an architectural college or school that he or she has completed a technical course approved by the Board of Architectural Examiners, together with and subsequent thereto, of at least three years' satisfactory experience in the office or offices of a reputable architect or architects, shall be entitled to a registration certificate as provided for by this Act, without being required to stand an examination therefor. The Board shall publish a list of approved schools, and any additions, eliminations, or changes therein, from time to time, as changes occur. The list of approved schools shall include the Uni-

versity of Texas and the Agricultural and Mechanical College of Texas.

"The fee to be paid by any applicant for a registration certificate, under this Section, shall be the sum of twenty-five dollars.

"Sec. 10. Every registered architect shall have a seal, such as is authorized, prescribed, and approved by the Board of Architectural Examiners, with which he or she shall stamp all drawings and specifications issued from his or her office for use in this State. The design of the seal shall be the same as that to be used by the Board of Architectural Examiners as provided in Section 3 of this Act, except that it shall bear the words 'Registered Architect, State of Texas,' instead of 'Texas Board of Architectural Examiners.'

"Sec. 11. Any person, firm, or corporation, who, for a fee or other direct compensation therefor, shall engage in the planning, or designing, or supervising of buildings to be erected or altered in this State, by or for other persons than themselves, as a profession or business, and shall represent themselves or advertise themselves as practicing architecture, shall be considered as practicing the profession of architecture in this State, and shall be required to comply with the provisions of this Act; and no person or firm shall engage in or conduct the practice of architecture as aforesaid in this State unless a registration certificate or certificates therefor have been duly issued under the terms and conditions of this Act, and no stock company or corporation shall engage in or conduct the practice of architecture as aforesaid within this State except by and through persons to whom registration certificates have been duly issued, and which certificates are in effect; but nothing in this Act shall prevent the draftsmen, students, clerks of works, or superintendents, and other employes or assistants of those lawfully practicing architecture, under registration certificates as herein provided for, from acting under the instructions, control, or supervision of such registered architect.

"Nothing in this Act shall prevent qualified professional engineers from planning and supervising work, such as railroads, hydroelectric work, industrial plants and other construction

primarily intended for engineering use or structures incidental thereto, nor prevent said engineers from planning, designing, or supervising the structural features of any building, but such engineers shall not employ the title 'architect' in any way, nor represent themselves as such, nor shall any engineer practice the profession of architecture, as defined herein, unless he be registered as an architect under the provisions of this law.

"Sec. 12. Registration certificates of architects issued in accordance with this Act, when renewed from year to year as provided by Section 13 of this Act, shall remain in full force until revoked for cause as hereinafter provided.

"The registration certificate and right of any person to practice architecture in this State may be revoked and cancelled by any district court of this State, in a suit by the State upon the relation of the Board of Architectural Examiners, upon the proof of the violation of the law in any respect in regard thereto, or for any cause for which the Board of Architectural Examiners is authorized to refuse to grant registration certificates, or for proof of gross incompetency, or for recklessness in the construction of buildings on the part of the architect designing, planning, or supervising the construction of same, or for dishonest practice on the part of the holder of such registration certificate; and, when requested by the Board, the several district and county attorneys of this State shall have the authority and the duty to file and prosecute appropriate judicial proceedings in the name of the State. The venue of each suit shall be in the county of the residence of the holder of such registration certificate.

"Sec. 13. Every registered architect in this State, who desires to continue the practice of his or her profession, shall annually during the time he or she shall continue in such practice, pay to the secretary of the Board during the month of July, a fee of five dollars, and the secretary shall thereupon issue to such registered architect and file for record with the Secretary of State a certificate of renewal of his or her registration certificate for the term of one year. In the case of those

persons paying their first renewal fee after the expiration of the original registration certificate, such fee shall be due in the month of July first succeeding the expiration date of the original certificate of registration issued to such person, and such certificate shall remain in force until the end of such month. Any registered architect who shall fail to have his or her registration certificate renewed during the month of July of each and every year shall have his or her registration certificate revoked; and it shall be the duty of the secretary of the Board to give notice of such revocation to the Secretary of State, whereupon the Secretary of State shall make an entry of such revocation accordingly upon the page of the Register of Architects containing the record of the registration certificates which are revoked. But the failure to renew said registration certificate in the time stated shall not deprive such architect of the right of renewal thereafter; but the fee to be paid upon the renewal of registration certificate after the month of July and before the first day of January the year following, shall be ten dollars to cover the additional expense incurred by the Board in effecting the renewal; and, in the event the renewal is not made before the first day of January the year following, the applicant shall be required to take such examination as may be prescribed by the Board, and if the applicant passes such examination successfully, the fee to be paid upon the renewal of the registration certificate shall be, in such case, the sum of thirty dollars.

"Sec. 14. Immediately after the organization of the Board, and annually thereafter, the secretary of the Board shall file with the Secretary of State a full report of the proceedings of the Board during the preceding calendar year, subscribed by the chairman and secretary-treasurer of the Board, and attested by the seal of the Board of Architectural Examiners.

"Sec. 15. If any person, firm, or corporation shall, for a fee or other direct compensation, pursue the practice of architecture in this State; or shall engage, in this State, in the profession or business of planning, or designing, or supervising of buildings to be erected or altered by, or for, other persons than himself; and shall

advertise, or put out any sign, card, or drawings in this State designating himself or herself as an architect, without having first complied with the provisions of this Act, such person, the members of such firm, or such corporation, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars, and not more than two hundred dollars, for each offense; and each and every day of practice of architecture or engaging in the business of planning or designing, or supervising of buildings to be erected or altered by, or for, other persons than himself or herself, or advertising, or putting out, or maintaining any sign, card, or drawings designating such person, firm, or corporation as an architect, shall constitute a separate offense.

"Sec. 16. This Act shall not apply:

"1. To the practice of architecture solely as an officer or employe of the United States, but persons so engaged or employed shall not engage in the private practice of architecture in this State without having a registration certificate as provided for herein; nor shall this Act apply to legally qualified architects residing outside of this State, or country outside of the borders of the United States, who do not maintain or open offices in this State; provided, that such architects, when undertaking or performing any architectural work in this State, shall employ a registered architect of this State as a consultant, or shall act as a consultant of a registered architect of this State.

"2. For repairs or alterations to buildings done by reliable builders, in accordance with the building codes or laws in force in localities of such buildings.

"3. For buildings whose cost does not exceed five thousand dollars (\$5,000).

"4. For farm buildings or other construction located outside of the corporate limits of cities or towns, and which do not concern public health and safety.

"Sec. 17. If, for any reason, any section or any part of this Act shall be held by the courts to be unconstitutional, or invalid, that fact shall not invalidate any other part of this Act, but the same shall be enforced with-

out reference to the part, or parts, if any, which shall be so held to be invalid, unless the entire Act shall be held to be invalid.

"Sec. 18. All laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

"Sec. 19. The fact that there is now no law properly regulating the practice of architecture in this State, and that the public welfare will be greatly subserved by the prevention of the irresponsible practice of architecture, and that life, health, and property will be safeguarded by the proper regulation of such practice as provided for by this Act, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each House, be suspended, and the same is hereby suspended, and that this Act shall take effect from and after its passage, and it is so enacted."

Mr. Morse offered the following amendments to the committee amendments:

(1)

Amend the amendment to House Bill No. 20 by striking out all of lines 7 to 14, on page 11, and inserting in lieu thereof the following: "2. To any person who prepares plans and specifications for the construction or alteration of a building or supervises the construction or alteration of a building, but does not represent or advertise himself or herself to be an architect, architectural designer, or other title of profession or business using the form of the word 'architect.'"

(2)

Amend the amendment to House Bill No. 20 by striking out, on page 8, line 11, the words "practicing architecture," and substituting in lieu thereof the following: "Architects, architectural designers, or other title of profession or business using some form of the word 'architect.'"

(3)

Amend the amendment to House Bill No. 20, page 6, by striking out all after the word "architect" in line 20, down to and including the word "architects," in line 24, and substi-

tuting in lieu thereof the following: "No firm or partnership shall be registered to practice architecture, but the firm may practice as such, provided each member of such firm or partnership is a registered architect."

(4)

Amend the amendment to House Bill No. 20, page 8, by striking out, in line 6, the words "firm or corporation," and inserting in lieu thereof "or firm," and by striking out, in lines 17 and 18, the words "stock company or corporation," and inserting in lieu thereof the word "firm or partnership."

(5)

Amend the amendment to House Bill No. 20, page 10, by striking out, in line 17, the words "firm or corporation," and inserting in lieu thereof the words "or firm," and by striking out, in line 25, the words "or such corporation," and by striking out, in line 33, the words "firm or corporation," and inserting in lieu thereof the words "or firm."

(6)

Amend the amendment to House Bill No. 20 by adding a new paragraph at the end of Section 2, page 2, to read as follows:

"A member of the Board of Architectural Examiners shall not be disqualified for, or prohibited from, performing any work or rendering any service on any State, county, municipal, or other public building or work, for a fee or other direct compensation, because of membership on said Board of Architectural Examiners."

(7)

Amend the amendment to House Bill No. 20, page 3, line 20, by inserting, in the blank on said line, the following: "The Governor of the State of Texas."

(8)

Amend the amendment to House Bill No. 20, page 5, line 23, by striking out the word "candidate," and inserting in lieu thereof the word "applicant."

(9)

Amend the amendment to House Bill No. 20, page 9, lines 21, 22, 34,

by adding "treasurer" following the word "secretary," in each of said lines, and by adding "treasurer" following the word "secretary," in line 12 on page 10.

The amendments were severally adopted.

Mr. Camp offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 20 by striking out section 13 thereof.

On motion of Mr. Morse, the amendment was tabled.

Mr. Scott offered the following amendment to the committee amendment

Amend committee amendment to House Bill No. 20 by adding a new Section, to be numbered 17-a:

"Section 17-a. Provided, the provisions of this bill shall not apply to towns and/or cities that have a population of 11,000 and under."

SCOTT,  
LOTIEF.

Mr. Wells offered the following substitute for the amendment by Mr. Scott:

Substitute for amendment to committee amendment to House Bill No. 20 by adding new Section, to be numbered 17-a:

"Section 17-a. Provided, the provisions of this bill shall not apply to towns and/or cities of population of 25,000 or less."

The substitute amendment was lost.

Question then recurring on the amendment by Mr. Scott, it was lost.

Mr. Pope offered the following amendment to the committee amendment:

Amend committee amendment by striking out Section 4, and inserting a new Section 4, to read as follows:

"Section 4. All fees provided to be charged by virtue hereof shall be deposited in the State Treasury, to the credit of the General Revenue Fund, and such salaries or fees as shall be authorized by virtue thereof, shall be fixed in the General Appropriation Bill by the Legislature."

Mr. Dunagan offered the following amendment to the bill:

Amend House Bill No. 20, by striking out the enacting clause.

Question recurring on the amendment by Mr. Dunagan, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—55

Adamson.	Huddleston.
Aikin.	Jackson.
Alexander.	Johnson
Alsup.	of Anderson.
Baker.	Jones of Runnels.
Barron.	Kyle of Hays.
Bourne.	Lindsey.
Burns.	Merritt.
Calvert.	Moffett.
Canon.	Morrison.
Cathey.	Munson.
Chastain.	Palmer.
Colson.	Pope.
Crossley.	Puryear.
Davidson.	Ratliff.
Devall.	Reed of Bowie.
Dunagan.	Roberts.
Fain.	Rogers of Hunt.
Fisher.	Scarborough.
Glass.	Shults.
Goodman.	Stovall.
Harris.	Tarwater.
Harrison.	Thomas.
Hartzog.	Tillery.
Head.	Vaughan.
Hicks.	Walker.
Hodges.	Wells.
Holekamp.	Wood.

Nays—60

Anderson	Kyle of Palo Pinto.
of Johnson.	Latham.
Beck.	Lemens.
Bedford.	Long.
Butler.	Magee.
Caven.	Mackay.
Clayton.	McCullough.
Coombes.	Mitcham.
Dean.	Moore.
Dunlap.	Morse.
Dwyer.	Nicholson.
Engelhard.	Parkhouse.
Ford.	Patterson.
Fuchs.	Ray.
Golson.	Reader.
Griffith.	Reed of Dallas.
Haag.	Renfro.
Hankamer.	Riddle.
Hester.	Rogers
Hill of Webb.	of Ochiltree.
Hughes.	Rollins.
Hunt.	Ross.
Hyder.	Russell.
Jefferson.	Shannon.
Jones of Atascosa.	Smith.
Jones of Shelby.	Stanfield.
Kayton.	Steward.

Stinson.	Turlington.
Sullivan.	Van Zandt.
Tennyson.	Wagstaff.
Townsend.	Young.

Present—Not Voting

Lotief.

Absent

Barrett.	Leonard.
Camp.	Mathis.
Cowley.	McClain.
Daniel.	McDougald.
Duvall.	McGregor.
Good.	McKee.
Graves.	Metcalfe.
Greathouse.	Pavlica.
Harman.	Ramsey.
Hill of Brazoria.	Savage.
Holland.	Scott.
Holloway.	Weinert.
Hoskins.	West.
James.	Winningham.
Laird.	

Absent—Excused

Anderson	Few.
of Bexar.	Johnson
Bradley.	of Dimmit.

## PAIRED

Mr. Lotief (present), who would vote "yea," with Mr. Savage (absent), who would vote "nay."

Mr. Alexander moved the previous question on the pending amendments, amendments on the Speaker's desk, and the bill; and the main question was ordered.

Mr. Wagstaff offered the following substitute for the amendment by Mr. Pope:

Amend committee amendment to House Bill No. 20 by striking out Section 4, and insert a new Section 4, to read as follows:

"Section 4. Effective August 31, 1935, all fees provided to be charged by virtue hereof, shall be deposited in the State Treasury, to be credited to the General Revenue Fund, and such salaries or fees as shall be authorized by virtue hereof shall be fixed in the General Appropriation Bill by the Legislature."

Question first recurring on the substitute amendment by Mr. Wagstaff, it was lost.

Question recurring on the amendment by Mr. Pope, it was adopted.

Mr. Burns offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 20 by adding a new Section, to be numbered 17-a:

"Section 17-a. Provided, the provisions of this Act shall not apply to towns and/or cities of 6,000 population and under."

The amendment was adopted.

The committee amendment as amended was then adopted.

Mr. Morse offered the following amendment to the bill:

Amend House Bill No. 20 by striking out all above the enacting clause, and inserting in lieu thereof the following:

"H. B. No. 20,

## A BILL

## To Be Entitled

An Act to safeguard against the irresponsible practice of the profession of architecture; defining and regulating the practice of architecture; creating a Board of Architectural Examiners; providing for appointment; fixing the terms of office; providing for appointment of their successors and for filling vacancies; fixing the qualifications of the members of said Board; requiring such members to take the oath of office and file same with the Secretary of State; providing for the election of various officers of said Board; requiring the bonding of the secretary-treasurer; providing for the adoption of necessary rules, regulations, and by-laws of said Board to govern its proceedings and activities; prescribing the duties of the various members of said Board; providing for the expenses of said Board to be paid from registration and other fees received; providing salary of the secretary-treasurer and certain compensation to other members of said Board; providing for special meetings of said Board; requiring the adoption of rules and regulations by said Board for the examination and registration of applicants to practice architecture; fixing the fee therefor; providing for the issuance of certificates to applicants in certain cases without examination and fixing the fee therefor; setting forth who shall be a registered architect in various organizations, such as co-partnerships or corporations; and providing for



the publishing by the Board, from time to time, of the list of approved schools; requiring every registered architect to have and use a seal on drawings and specifications; defining what persons are regarded as architects within the meaning of this Act; providing for the revocation and cancellation of registration certificates in certain cases; providing for the annual renewal of registration certificates issued under the provision of this Act; providing for the reinstatement of registration certificates in certain cases; providing for the filing of a report of the proceedings of said Board in the office of the Secretary of State; prescribing penalties for pursuing the practice of architecture without having a registration certificate in accordance with this Act, or for violating the provisions of this Act; excepting practice of architecture by persons acting solely as officers or employes of the United States from the provisions of this Act; and excepting from the provisions of this Act qualified architects residing outside this State, who have no office in this State; provided such architects, when performing architectural work in this State, work with a registered architect of this State as a consultant, or act as a consultant to such an architect; providing for certain other things incidental to the various portions of this Act; providing against an invalid part of this Act invalidating the remainder thereof or any part thereof; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 20 then failed to pass to engrossment, by the following vote:

#### Yeas—45

Anderson	Colson.
of Johnson.	Coombes.
Bedford.	Daniel.
Burns.	Dwyer.
Butler.	Engelhard.
Cathey.	Fuchs.
Caven.	Golson.
Clayton.	Griffith.

Hankamer.	Mitcham.
Head.	Moore.
Hester.	Morse.
Holland.	Nicholson.
Hughes.	Parkhouse.
Jefferson.	Reader.
Jones of Shelby.	Reed of Dallas.
Kayton.	Renfro.
Kyle of Palo Pinto.	Shannon.
Latham.	Smith.
Lemens.	Stanfield.
Leonard.	Steward.
Long.	Tennyson.
Mackay.	Van Zandt.
McDougald.	Wagstaff.

#### Nays—65

Adamson.	Jones of Runnels.
Aikin.	Lindsey.
Alexander.	Magee.
Alsup.	Merritt.
Baker.	Moffett.
Barrett.	Morrison.
Barron.	Munson.
Bourne.	Palmer.
Calvert.	Pope.
Canon.	Purveyar.
Chastain.	Ratliff.
Crossley.	Ray.
Dean.	Reed of Bowie.
Devall.	Riddle.
Dunagan.	Roberts.
Fain.	Rogers of Hunt.
Fisher.	Rollins.
Glass.	Ross.
Good.	Russell.
Goodman.	Scarborough.
Harman.	Shults.
Harris.	Stovall.
Harrison.	Sullivant.
Hartzog.	Tarwater.
Hicks.	Thomas.
Hodges.	Tillery.
Holekamp.	Townsend.
Huddleston.	Turlington.
Hunt.	Vaughan.
Hyder.	Wells.
Jackson.	Winningham.
James.	Wood.
Johnson	
of Anderson.	

#### Present—Not Voting

Haag.	Stinson.
Lotief.	Young.
McKee.	

#### Absent

Beck.	Greathouse.
Camp.	Hill of Brazoria.
Cowley.	Hill of Webb.
Davidson.	Holloway.
Dunlap.	Hoskins.
Duvall.	Jones of Atascosa.
Ford.	Kyle of Hays.
Graves.	Laird.

Mathis.	Ramsey.
McClain.	Rogers of Ochiltree.
McCullough.	Savage.
McGregor.	Scott.
Metcalfe.	Walker.
Patterson.	Weinert.
Pavlica.	West.

Absent—Excused

Anderson	Few.
of Bexar.	Johnson
Bradley.	of Dimmit.

#### PAIRED

Mr. Lotief (present), who would vote "nay," with Mr. Savage (absent), who would vote "yea."

Mr. Stinson (present), who would vote "yea," with Mr. Scott (absent), who would vote "nay."

Mr. Young (present), who would vote "yea," with Mr. Davidson (absent), who would vote "nay."

Mr. Alsup moved to reconsider the vote by which the bill failed to pass to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 26 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 26, A bill to be entitled "An Act to amend Section 10 of House Bill No. 6, passed at the Second Called Session of the Forty-first Legislature, providing for the distribution and apportionment of collections of license fees, and for reports thereof; and declaring an emergency."

The bill was read second time.

#### RECESS

On motion of Mr. Griffith, the House, at 5 o'clock p. m., took recess to 7:30 o'clock p. m., today.

#### NIGHT SESSION

The House met at 7:30 o'clock p. m., and was called to order by the Speaker.

#### RELATIVE TO ADDRESS BY INDEPENDENT OIL OPERATORS

The House, in accordance with the provision of a resolution heretofore adopted, inviting the independent oil operators and the purchasers of crude

oil to address the House, at 7:30 o'clock p. m., stood at ease until 10:05 o'clock p. m., during which time addresses were delivered by representatives of the independent oil operators.

#### ADJOURNMENT

On motion of Mr. Moore, the House, at 10:05 o'clock p. m., adjourned until 9:30 o'clock a. m., tomorrow.

#### APPENDIX

#### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Live Stock and Stock Raising: House Bill No. 501.

Appropriations: House Bill No. 35.

Conservation and Reclamation: House Bill No. 315.

The Committee on Judiciary filed adverse reports on House Bills Nos. 545, 664, 678, and 816.

#### REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, March 15, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 271, A bill to be entitled "An Act to provide that transferors for collection of negotiable instruments shall be preferred creditors of State banks, and/or State bank and trust companies, authorized to do business under the laws of the State of Texas, in certain cases, and repealing all laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,

Austin, Texas, March 15, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 218, A bill to be entitled "An Act requiring the Land Commissioner to ascertain and determine the amount of bonus and rental money

due the State, and by whom due, under the operation, terms, and conditions of Chapter 81, printed Acts of the Second Called Session, of the Thirty-sixth Legislature and the amendment thereof, by the First Called Session, of the Thirty-seventh Legislature, which Acts are generally referred to as the Relinquishment Act, authorizing the Land Commissioner to settle and compromise such debts with the debtors on the basis of actual amounts found due, less all just and lawful credits, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

PARKHOUSE, Acting Chairman.

Committee Room,  
Austin, Texas, March 15, 1933.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 405, A bill to be entitled "An Act giving to Krisch, Lanham, and Walker, a partnership firm composed of Rudy Krisch, Jr., R. E. Lanham, and S. P. Walker, of San Antonio, Bexar County, Texas, consent of the Legislature to sue the State of Texas and State Highway Commission for balance due under a contract dated February 2, 1931, for the improvement of Road No. 131, Job No. 136-B, in Kinney County, Texas, commencing at Station 0/00, Brackettville, and extending thence to Station 486/60.3, Spofford, and for damages in connection with and growing out of said contract, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 15, 1933.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 475, A bill to be entitled "An Act amending Section 28, of Chapter 212, Acts of Regular Session, Fortieth Legislature, and declaring an emergency." (Relating to discharge of prisoners.)

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 15, 1933.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 431, A bill to be entitled "An Act to amend Chapter 2, Title 128, Revised Civil Statutes of Texas, by adding thereto, after Article 7700, Article 7700-a, authorizing the issuance of funding, refunding, or amortization bonds by water improvement district, prescribing the method thereof, the terms thereof, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 15, 1933.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 575, A bill to be entitled "An Act for the purpose of making plain the salute to the Texas Flag, and giving uniformity to the salute; providing a clear description of the Flag to the end that pupils in the lower grades of the elementary school will be able to draw or make the Flag; providing for the standardization of the star in the blue stripe in the dimensions used, and its position in the stripe so that uniformity shall be the result hereafter in the making of Texas Flags; describing the method of construction of the star in language that is definite and clear; and outlining rules for correct use and display of the Texas Flag, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 15, 1933.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 596, A bill to be entitled "An Act creating the office of county purchasing agent in all counties in this State having a population of more than one hundred thousand (100,000) inhabitants and less than one hundred

and fifty thousand (150,000) inhabitants as shown by the latest United States Census, and containing two (2) cities of fifty thousand (50,000) inhabitants or more, each, as shown by the latest United States Census; providing for the appointment of such agent, prescribing his duties and fixing his compensation; making it unlawful for any person, firm, or corporation to purchase any supplies, materials, and equipment for, or to contract for any repairs to property used by such county or any subdivision, officer, or employee thereof, except such purchasing agent, and making it unlawful for the county auditor to draw, or for the county treasurer to honor, any county warrants drawn for such supplies, materials, repairs, and equipment unless the same shall have been purchased or contracted for by such agent; providing that such agent shall annually file an inventory of all property of such county with the commissioners court of such county, and prescribing the duties of the county auditor with reference to such inventory, providing for the transfer by such agent of county supplies, materials, and equipment from a subdivision, department, officer, or employee of such county to other subdivisions, departments, officers, and employees of said county, prescribing a penalty for the violation of this Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 15, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 786, A bill to be entitled "An Act to stay all sales under executions, order of sale, or under any deed of trust, mortgage, or other contract, giving or granting any power of sale of real, personal, or mixed property for debt now advertised, or to be advertised in the future, for a period of one hundred and twenty (120) days after March 15, 1933; providing that no other or further advertisement or notice of any such sale than that lawfully given for sale prior to March 15, 1933, shall be required for such sale after the expiration of one hundred

and twenty (120) days, making void all sales in violation of this Act; providing that courts shall grant writs preventing sales until a hearing, before such court, can be had; providing no mortgagor failing to disclose whereabouts of mortgaged property shall be permitted to take advantage of this Act; providing if any part of this Act is declared unconstitutional, it shall not affect the validity of the remainder; extending the time for return; providing this Act shall not apply to mortgages on personal property, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

PARKHOUSE, Acting Chairman.

Committee Room,  
Austin, Texas, March 15, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 764, A bill to be entitled "An Act prohibiting the use of seines, nets, and trawls or the possession of seines, nets, or trawls in certain tidal waters of Willacy County; prescribing a penalty for violation of any provision of this Act; repealing all laws in so far as they may conflict with any provision of this Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 16, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 667, A bill to be entitled "An Act defining from what fund the compensation of county commissioners may be paid, in counties having a population of not more than six thousand three hundred and twenty (6,320), and not less than six thousand three hundred and ten (6,310), according to the most recent United States Census,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

REPORT OF THE COMMITTEE ON  
ENROLLED BILLS

Committee Room,  
Austin, Texas, March 16, 1933.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 411, "An Act amending  
Article 322, of the 1925 Revised Civil  
Statutes of Texas, same being Acts  
of 1927, Fortieth Legislature, page  
222, Chapter 151, by omitting the  
word 'fortieth,' which same is the  
Fortieth Judicial District of Ellis  
County, Texas, and declaring an  
emergency,"

Has carefully compared same, and  
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,  
Austin, Texas, March 16, 1933.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. C. R. No. 35, Endorsing the ap-  
pointment of L. A. Robinson for cer-  
tain position,

Has carefully compared same, and  
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,  
Austin, Texas, March 16, 1933.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. C. R. No. 42, Granting Jess V.  
Creech permission to sue the State,

Has carefully compared same, and  
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,  
Austin, Texas, March 16, 1933.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. C. R. No. 43, Granting R. A.  
Robinson permission to sue the State,

Has carefully compared same, and  
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

## THIRTY-NINTH DAY

(Friday, March 17, 1933)

The House met at 9:30 o'clock a. m.,  
pursuant to adjournment, and was  
called to order by Speaker Stevenson.

The roll was called, and the follow-  
ing Members were present:

Mr. Speaker.	Hughes.
Adamson.	Hunt.
Aikin.	Jackson.
Alexander.	James.
Alsup.	Jefferson.
Anderson	Johnson
of Johnson.	of Anderson.
Baker.	Jones of Atascosa.
Barrett.	Jones of Runnels.
Barron.	Jones of Shelby.
Beck.	Kayton.
Bedford.	Kyle of Hays.
Bourne.	Kyle of Palo Pinto.
Bradley.	Laird.
Burns.	Lemens.
Butler.	Leonard.
Calvert.	Lindsey.
Camp.	Lotief.
Canon.	Magee.
Cathey.	Mackay.
Caven.	Mathis.
Clayton.	McClain.
Colson.	McDougald.
Coombes.	McGregor.
Cowley.	McKee.
Crossley.	Merritt.
Daniel.	Metcalfe.
Davidson.	Mitcham.
Dean.	Moffett.
Devall.	Moore.
Dunlap.	Morrison.
Dunagan.	Morse.
Dwyer.	Munson.
Engelhard.	Nicholson.
Fain.	Palmer.
Fisher.	Parkhouse.
Ford.	Pavlica.
Fuchs.	Pope.
Glass.	Puryear.
Graves.	Ramsey.
Greathouse.	Ratliff.
Griffith.	Ray.
Haag.	Reader.
Hankamer.	Reed of Bowie.
Harman.	Reed of Dallas.
Harris.	Renfro.
Harrison.	Riddle.
Hartzog.	Roberts.
Hicks.	Rogers of Hunt.
Hill of Brazoria.	Rogers
Hill of Webb.	of Ochiltree.
Hodges.	Rollins.
Holekamp.	Ross.
Holland.	Russell.
Holloway.	Scarborough.
Hoskins.	Scott.
Huddleston.	Shannon.